

AGENDA

FERNDALE PLANNING COMMISSION MEETING
WEDNESDAY, APRIL 15, 2015 7:00 P.M.
CITY HALL, 300 EAST NINE MILE, FERNDALE MI 48220
www.ferndale-mi.com 248-546-2366

1. Call to Order
2. Roll Call
3. Approval of the Agenda
4. Approval of the Minutes - Regular Meeting, March 18, 2015
5. Public Hearings
 - a. Public Hearing – Special Land Use for a Medical Marihuana facility at 930 E Lewiston
 - b. Public Hearing – Amendment to Zoning Ordinance to add Overlay Ordinance
 - c. Public Hearing – Amendment to Zoning Ordinance to add a Use Variance
6. Old Business
7. New Business
 - a. Conceptual Plan Discussion (former Save-a-Lot site)
8. Call to Audience
9. Election of Officers
 - a. Chair
 - b. Co-Chair
10. Administrative Items
11. Commission/Discussion Items
12. Adjournment

Draft Minutes Ferndale Planning Commission

WEDNESDAY, FEBRUARY 18, 2015 7:00 P.M.
CITY HALL, 300 EAST NINE MILE, FERNDALE MI 48220

A Meeting of the Ferndale Planning Commission was held Wednesday, February 18, 2015 at City Hall, 300 East Nine Mile Road, Ferndale. Vice Chair Baker called the meeting to order at 7:02 PM.

1. Call to Order
2. Roll Call

Present: Commissioners Azar, Brazen, Farr, Piana, Roediger, Temrowski, Vettraino, Williamson, Vice Chair Baker

Absent: Commissioner Vettraino, Chair Roediger

Moved by Commissioner Brazen, supported by Commissioner Temrowski to excuse the absence of Chair Roediger and Commissioner Vettraino.

AYES: All

NAYS: None

MOTION CARRIED

3. Approval of the Agenda

Moved by Commissioner Temrowski, supported by Commissioner Farr to approve the agenda.

AYES: All

NAYS: None

MOTION CARRIED

4. Approval of the Minutes - Regular Meeting, January 21, 2015

Moved by Commissioner Brazen, supported by Commissioner Temrowski to approve the minutes.

AYES: All

NAYS: None

MOTION CARRIED

5. New Business

- a. Public Hearing – to consider a Special Land Use application (Ord. 1087, Article. XII, Sec. 12.01) submitted by Grading Specialties Inc. for a Contractors offices and storage yards facility (Ord. 1087, Article VIII, Sec. 8.04) to be located at 2345 Grayson.

Presented by Michelle Foster – in addition to the office space, 4,081ft of storage and improvements including landscaping and striping of current parking lot. Building will be improved by landlord, no building changes proposed.

Applicant Stacie Vorver is currently located at 25630 VandDyke, Centerline MI – Grading Specialties has a design landscape firm located in Royal Oak and Centerline. The design was created by Ferndale architect Jeff Royer. The applicant wants his office and yard in one location and found the perfect location in Ferndale.

Vice Chair Baker opened the Public Hearing at 7:08 PM

Vice Chair Baker closed the Public Hearing at 7:09 PM

Applicant will update fencing along Grayson and also in back, behind the landscaping, on all 4 sides of lot along lot line, spoke to Dave McCarty, requested he not put fence along his property as one already exists, so only three sides are new. This location will have bricks, stones, trees, shrubs on site. Planner Foster indicated there are two storage areas: one with heavy equipment storage on concrete bricks and pavers and storage north of the drive will be on gravel. There may be one small dumpster if needed but he doesn't have one at his current location as they remove it daily.

Special Land Use Motion

Motion by Commissioner Azar, supported by Commissioner Farr that the Planning Commission recommends City Council **APPROVE** the Special Land Use request for 2345 Grayson, Sidwell number 24-25-27-434-016, with the following findings after a Public Hearing was held as set and published for this date and place:

Findings

1. The proposed development does not detract from, erode or reduce the desirability or economic viability of any residential or business uses within 2,500 feet of the proposed use.
2. The site is designed, constructed, operated and maintained so as to be harmonious with the existing or intended character of the general vicinity and will not change the essential character of the area. The site design of the proposed special land use shall minimize the impact of site activity on surrounding properties.
3. The site is served adequately by existing public services and facilities and does not impose additional service demands upon the city that will not be adequately addressed by the applicant.
4. The proposed improvement to the site does enhance the public health, safety, welfare, and economic benefit and the municipal purposes and policies of the City.
5. The plans are consistent with the intent and purposes of this chapter and the objectives of the master plan and comply with all applicable state and federal laws.
6. The plans are consistent with the regulations for contractor's offices and storage yards.

Conditions

1. That the applicant receive site plan approval prior to issuance of a building permit.

AYES: All

NAYS: None

MOTION CARRIED

Site Plan Motion

Motion by Commissioner Piana, supported by Commissioner Farr, in the matter of 2345 Grayson the Planning Commission **APPROVE** the Site Plan, based on plans dated received February 1, 2015, with the following findings and subject to the following conditions:

Findings

1. The site plan and supporting documents demonstrate that applicable requirements of the Zoning Ordinance, as well as other City ordinances, standards, and requirements, can be met subject to the conditions noted below.
2. Off-street parking areas have been designed to avoid common traffic problems and promote safety.
3. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
4. The proposed changes will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.

Conditions

1. City Council approval of the Special Land Use.
 2. The outdoor display, sales and storage of fertilizers, pesticides, and other hazardous materials is prohibited.
 3. That a note be added to the plan, prior to final approval by Staff, indicating that all landscape material will be kept in good condition and that any dead or damaged material will be replaced in a manner consistent with the approved plans and at the responsibility of the property owner.
 4. That a lighting plan is submitted demonstrating compliance with the requirements of the City's Environmental Performance Standards Ordinance, prior to final site plan approval by Staff.
 5. That the applicant adds a note to the plans indicating that all signage shall conform to the City of Ferndale's Sign Ordinance and shall be approved under separate review.
 6. That placement of a dumpster in the future will require final approval by Staff.
6. Old Business
- a. 2103 Hilton Medical Marihuana Facility Special Land Use – application withdrawn
 - b. 930 E Lewiston Medical Marihuana Facility Special Land Use – application tabled

Motion by Commissioner Farr, supported by Commissioner Brazen to table the application until the next meeting.

AYES: All

NAYS: None

MOTION CARRIED

- c. Draft Overlay Ordinance – introduced by Planner Michelle Foster that a stakeholder meeting was held last month. The Planning Commission asked staff to take the discussion and revise the draft

ordinance. The purpose has changed to be more robust, that applicability and standards have changed and DDA Director Cristina Sheppard-Decius is available to discuss further this evening.

Comments were positive with ten stakeholders invited, three attended along with several committee members. Those that didn't attend did not make comments even though DDA followed up several times. Ms. Foster stated that a draft and minutes went to all and indications are that the Committee is still on board with upper story development downtown wanting 2-3 stories required with no false upper story fronts.

In terms of Nine Mile, both committee, board and those who attended felt it important to maintain upper stories along the corridor. Downtown should be the highest and, as Woodward is very wide, they should have higher levels. We should also note the existing billboards absolutely do add height and, if removed, it would look like downtown shrunk, therefore, we want to encourage height.

The city participated in TOD with LSL, plan is on the website done about three years ago, came up with shared analysis to update ordinances to encourage density and height. Pleasant Ridge understands and should be copied as the overall height allowed is not changing, just the minimum.

DDA confirmed that if the TOD is put in place by Council, only addendum is required as this is a living breathing document and want to reference back.

The DDA believes the height overlay will support Main Street if design standards are adhered to as well, because it's about building density and encouraging pedestrians to walk the corridor. A 4' variance is pretty modest and works well for allowing variations – don't want all same, but visual interest. Maintaining window areas, not allowing reflective or tinted glass for showing action, vertically proportioned on 2nd floor instead of horizontal. No setbacks because it doesn't create continuity. Should also note that upper story facades should not be larger in height than the main story in width and the Appearance Review Committee would be monitoring.

Cornices should be in line and not top-heavy. LSL suggested that a parapet not be included in the overall height. A two story building with completely open both floors would be allowed as the entrance may be taller to create the point of interest. Not requiring a total two floor store leaves room for flexibility, could have a portion with an open front entrance with a back story but you also don't want 2nd story only at the back and we also want to avoid faux second story. Will have to be very clear as an architect will understand but a building owner may not.

Item B clears it up with "or" and architecturally it could be a showplace with a main floor line. It could have full glass but the framing provides that break giving them the look of a full 2nd floor which meets the main intent, keeping the creativity and flexibility. Public House, Anita's, and Imperial have built an interior solution. The DDA went door to door to encourage front door entrance. We want to have a bustling downtown, which an entrance from back doesn't encourage, but staff and DDA can educate them of advantages. It's designed for pedestrian/transit to encourage them. More than ever businesses are keeping front doors open. Previously trying to secure people/product, more of a change in attitude and behavior. Could be instances with offices where they have buzzers, pretty OK with that at times, especially if there's only 1 person. Automotive keep their front doors open.

Parking requirements - already allows the Planning Commission to waive parking requirements in all areas but DDA. New development within CBD has the option to pay in lieu of.

What effect does this (F) have on residences that abut the corridors? Do they have to be open? Ms. Foster confirmed the change applies to commercial access only, not residential. For clarification, add the stipulation that if it is **solely** residential it is excluded. Amend F to clarify we're talking about retail/restaurant businesses not those with a commercial enterprise. Another suggestion was to

simplify and state services/products must be visible from the front entrance (see item D and add Ms. Foster's description).

There was a question on applicability of B2 – in terms of expansion. Ms. Foster confirmed that a tear down makes it a new building B3.

It was suggested that DDA consider supporting retail business with BUILD dollars, rather than focusing on restaurants and bars. Everyone was support of 25% added or 2,000 sf, whichever is less.

Add something about sustainability at large sites such as the former Pizza Hut (item 5). Business owners want Planning Commission to set the pace, not the market.

Everyone agreed they are comfortable with 25' and 2 stories and 100% at street front. . Verify D, add visibility/products. 0 ft. setback is OK, add F – commercial/residential. Add to standards – upper story façade being less than. District CBD/Woodward corridor. Add parapet/screening doesn't count toward 25'. Restrain it to 2nd floor where higher units could have a setback. Max is 70' but there are different areas that require less – like Vester. 100% front – 2nd story coverage should be different. Mechanical could be an impediment. Generally like 70% required for 2nd story, to provide an outdoor experience and keep it operable at least most of the year because of the expense. Prefer frontage but this is where Planning Commission and Appearance Review Committee come into play to direct them. Can also go back to architects for recommended language to address issue. Clear and concise but allows flexibility.

Timing – refer to the City Attorney for review and notice a Public Hearing to residents/owners within 300 feet, include on DDA and City websites. DDA will be a giant cheerleader because it is the vision of the board and stakeholders and they can make future modifications.

If a developer should purchase the entire block, what is the width? Main Street states it in an easy way – use their definition. There was concern about parking in side lots and access points or driveways every 50 yards. Revisit drive thru in MLUP.

7. Call to Audience
8. Election of Officers
 - a. Chair
Moved by Commissioner Brazen, supported by Commissioner Temrowski to table election of a Chair until the next meeting.
AYES: All
NAYES: None
MOTION CARRIED
 - b. Vice Chair
Moved by Commissioner Brazen, supported by Commissioner Temrowski to table election of a Vice Chair until the next meeting.
AYES: All
NAYES: None
MOTION CARRIED
9. Administrative Items
Planner Foster advised there has not been much change in the Master Land Use Plan and that Director Delacourt will return from vacation next week.
10. Commission/Discussion Items

Commissioner Piana stated RTA and SEMCOG are starting their environmental analysis in March/April to determine where stations are placed. WA3 wrote a grant and a design charrette was held last night. For the short term changes will be done with paint because sidewalks are skinny and not well marked. Royal Oak has still zoned Woodward as a corridor, with storage and back of building facing Woodward.

Commissioner Williamson provided a BZA update and a request for variance to take an R2 lot 84 feet and approved splitting into two parcels at 40' and 43.6'. If it were zoned R1 or R3 it would not have been but if you want a single family in R2, you have to have a 50' lot. Advised that BZA would like the Planning Commission revisit the R2 ordinance.

11. Adjournment

There being no further business, Vice Chair Baker adjourned the meeting at 9:08 PM.

Kate Baker, Vice Chair

Barbara Miller, Administrative Assistant

Community and Economic Development

Staff Report to the Planning Commission

April 7, 2015

930 E Lewiston MM Facility	
REQUEST	Special land Use Approval Site Plan Approval
APPLICANT	C-Gardens, LLC 3952 Kings Mill North Branch, MI 48461
AGENT	Tim and Laura Ratliff
LOCATION	930 East Lewiston Avenue
FILE NO.	
PARCEL NO.	24-25-27-478-025
ZONING	M-1, Limited Industrial
STAFF	Michelle Foster, Planner

Summary

The applicant is proposing a Medical Marihuana Facility and Grow Operation to be located at 930 East Lewiston Avenue. The existing 10,400 square foot building is currently vacant.

The applicant came before the Planning Commission at a meeting on December 17, 2014. At that time, the applicant was proposing to operate a medical marihuana facility with 15 caregivers and a grow operation. The Planning Commission tabled the application, requesting more information from the applicant. At this time, the applicant has resubmitted site plans and an updated business plan, complete with security plans, updated parking, and elevations, proposing a facility and grow operation with a maximum of five (5) caregivers, with three (3) caregivers cultivating.

The applicant has submitted a complete application package including information related to their business model. The applicant has met with city staff, including the Police Chief and City Attorney, to review the application and business plan of operation, in September and in March. Staff is satisfied that the proposed plan meets the intent and requirements for the City's Ordinances and State Legislation after multiple meetings with the applicant. The applicants have addressed the concerns of the Police Chief and Attorney. Medical Marihuana Facilities and Grow Operations are permitted as Special Land Uses in the M-1 district subject to the requirements of Section 24-165, Medical marihuana facility and medical marihuana grow operation (identified below).

Medical marihuana facility shall be subject to the following requirements.

1. Primary caregivers and/or qualified patients at the facility must be legally registered by the Michigan Department of Community Health (MDCH) to assist qualified patients with the medical use of marihuana in accordance with the Michigan Medical Marihuana Act, as amended.

2. The facility shall not be allowed within 500 feet of an educational institution, nursery school, or child care center, or another medical marijuana facility or medical marijuana grow operation.
3. The facility shall be available for inspection, during business hours, by the City Manager or their designee to confirm the facility is operating in accordance with all applicable laws, including state law and city ordinances.
4. The facility shall open no earlier than 8:00 a.m. and close no later than 8:00 p.m.
5. The facility shall not be permitted to have drive-thru facilities.
6. No use of medical marijuana at the facility.
7. No patients shall be allowed in facility after hours.
8. The parking requirements for a facility shall be consistent with the parking requirements for medical clinics.
9. A security plan and floor plan shall be submitted with applications for a facility. The facility shall identify the number of plants, chemical storage, space and other critical aspects of the layout. The security and floor plan shall be a confidential document by the city exempt from disclosure under the Freedom of Information Act.
10. A waste disposal plan shall be included with all applications for a facility detailing plans for chemical disposal and plans for plant waste disposal.

Any medical marijuana grow operation, in addition to the requirements of a medical marijuana facility, shall comply with the following requirements:

1. The grow operation shall be in compliance with fire protection Code.
2. The grow operation shall receive OSHA/MIOSHA certifications regarding safety of environment for facility's caregivers.
3. The grow operation shall obtain MDEQ and City of Detroit approval regarding discharge of growing by-products into the city sewer system.
4. The following shall be prohibited:
 - a. Storage of toxic, flammable or hazardous materials;
 - b. Discharge of any toxic, flammable or hazardous materials into city sewer system;
 - c. No residential uses within the same building/structure;
 - d. No outdoor storage.
 - e. No minors in the facility without a parent and/or guardian.
5. The grow operation shall open no earlier than 8:00 a.m. and close no later than 8:00 p.m., except staff may be at the operation necessary to attend to the grow operation.
6. The parking requirements for a grow operation in M-1 and M-2 Districts shall be consistent with the parking requirements for manufacturing facilities.
7. A security plan and floor plan shall be submitted with applications for a grow operation shall identify the number of plants, chemical storage, space and other critical aspects of the layout. The security and floor plan shall be a confidential document by the city exempt from disclosure under the Freedom of Information Act.
8. A waste disposal plan shall be included with all applications for a grow operation detailing plans for chemical disposal and plans for plant waste disposal.

Adjacent Land Uses and Zoning

Medical marihuana facilities are permitted in the M-1 district as special land uses (SLU) subject to Planning Commission recommendation and City Council approval of the SLU, per Article 4 – 4.02 of the Zoning Ordinance. The subject site abuts M-1 zoning to the north, east, west and south. The site is Master Planned for Industrial use.



930 E Lewiston – north bird's eye view

General Requirements for Special Land Uses (Section 12 – 12.03)

There are six areas of consideration for the Planning Commission to regard in the discretionary decision of a conditional land use. They are:

1. Unreasonably detract from, erode or reduce the desirability or economic viability of any residential or business uses within 2,500 feet of the proposed use.
2. Be designed, constructed, operated and maintained so as to be harmonious with the existing or intended character of the general vicinity and will not change the essential character of the area. The site design of the proposed special land use shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:
 - a. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - b. The location and screening of outdoor storage, outdoor activity or work areas and mechanical equipment in relation to surrounding development.
 - c. The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
 - d. The bulk, placement and materials of construction of the proposed use in relation to surrounding uses.
 - e. The impact of parking or traffic on the surrounding area.

3. Be served adequately by existing public services and facilities and not impose additional service demands upon the city that will not be adequately addressed by the applicant.
4. Further enhance the public health, safety, welfare, and economic benefit and the municipal purposes and policies of the City.
5. Be consistent with the intent and purposes of this chapter and the objectives of the master plan and comply with all applicable state and federal laws.
6. The planning commission shall have the authority to require other studies and materials be submitted to confirm compliance with the standards of this section, including but limited to, traffic impact studies, market studies, environmental assessments or utility capacity analyses at the expense of the applicant.

Special Land Use Review Considerations

The proposed plan and application appear to meet the requirements of a Special Land Use approval. Medical Marihuana Facilities and Medical Marihuana Grow Operation are permitted as Special Land Uses in M-1 zoning districts. The intended use is designed to conform to the City's regulations and goals to maintain the character of the area and is consistent with the intent of the zoning ordinance and goals of the master plan. The building is not located within 500 feet of another Medical Marihuana Facility, educational institution, nursery school, or child care center as required per ordinance.

The applicant is proposing to have five (5) registered caregivers that will supply to their associated patients. They are proposing to have grow operations with three (3) caregivers cultivating. Patients and caregivers will be registered by the State of Michigan. The planned facility operations conform to special use requirements for Medical Marihuana Facilities and Grow Operations. A security plan was provided, including plans for an onsite security guard.

The existing parking lot provides sufficient parking for the use as required per the off-street parking ordinance, 20 required and 25 provided. A dumpster is located interior to the building.

As a reminder, in December the commission held a public hearing regarding this facility. The minutes from that meeting are provided in the packet.

Site Plan Review Considerations

1. **Access and Circulation.** The applicant is required to provide parking consistent with a medical clinic for the area dedicated to the facility and with manufacturing facilities for the area dedicated for grow operations. The Off Street Parking and Loading section of the City's Zoning Ordinance requires one parking space for every 250 square feet of facility floor area and one per every 1,000 square feet of grow floor area. The tenant's space is 10,400 square feet requiring a total of 20 parking spaces. The applicant is proposing to resurface and stripe the existing lot, providing 25 parking spaces on site.

Twenty-five spaces is more than 10% over the minimum required spaces for the use, which requires approval by the planning commission.

The parallel parking spaces as proposed are 10 by 22 feet, which need to be adjusted to meet the requirements of 9 by 24 feet. There appears to be room to do so. On the west side of the building, the drive aisle does not meet the standard of 24 feet wide. Even if the length of the 90 degree parking was reduced to 18 feet and the parallel parking reduced to 9 feet, as permitted, the aisle would remain one foot short of

the required 24 feet. To meet this requirement staff suggests that the 3 parallel spaces are removed, especially with the proposed number of spaces being above the maximum allowed parking.

The applicant proposes using bumper blocks, which staff would like to see removed unless the Planning Commission finds them necessary.

The existing drives are proposed to remain, maintaining the one-way circulation with entrance on the west and exit on the east.

A bike rack is provided by the main entrance of the building.

2. **Screening and Landscaping.** The site is currently landscaped with three mature trees in the front yard. The applicant has submitted landscaping details proposing an addition of 20 shrubs. Due to the design of the lot and driveways, the applicant has proposed the shrubs along the front of the building rather than in between the lot and the right-of-way.

The ordinance requires three trees for every 25 parking spaces within the boundaries of the parking lot, spaced throughout the lot. The planning commission may require the applicant to redesign the lot to allow for interior landscaped islands, request an additional three trees be placed in the existing front yard, or may determine that the existing and proposed landscaping is adequate based on:

- The building placement
- Adjacent land uses
- Distance between land uses
- Dimensional conditions unique to the parcel
- Topography

There is a piece of patch of grass on the northeast section of the parcel that is not landscaped which may support a tree. Due to buildings on adjacent properties to the south and east, a landscaped island would fit best on the west side of the lot should the commission request it.

3. **Lighting.** The applicant is not proposing any additional exterior lighting. A photometric grid shows that the existing lighting does not conform to our environmental performance standards. The commission may request that the existing lighting be brought into conformance.
4. **Stormwater Management.** The applicant is proposing to use the existing catch basins. No waste water from marijuana cultivation will be drained into the public facilities.
5. **Building Design.** The building is an existing, brick and masonry, one-story industrial building. There is an overhead door on the front of the building at the east side. This door will be used for the removal of the dumpster to be located indoors. The applicant is not proposing any exterior building design changes.

The applicant has provided interior plans to depict the location of reception, consultation rooms, cultivation rooms, and storage areas. They are proposing a maximum of three (3) cultivators at the facility, each having two cultivation rooms (one for flowering, one for vegetation) with a total of six (6) cultivation rooms.

6. **Site Details.**
 - a. The applicant has provided a detailed security plan.
 - b. All signage will be required to meet the requirements of the City's sign ordinance and receive the appropriate permits prior to installation.
 - c. Applicant will keep a dumpster indoors for waste.

Site Plan Summary

The proposed plan and business model appear to meet the intent and requirements of the City provisions related to a Medical Marijuana facility and grow operation. As part of the technical review for this project, the plans and supplemental documentation have been reviewed by all applicable city departments and consultants, including the City Attorney and Chief of Police.

Recommendation

The application appears to meet the intent and requirements of the zoning ordinance. Based on the review comments included in this report or contained within the enclosed information, and if the Planning Commission agrees the use and site design will be harmonious and compatible in appearance with the existing surrounding development, staff recommends that the Special Land Use and Site Plan are approved.

Special Land Use Motion

MOTION by _____, seconded by _____, in the matter of 930 East Lewiston Avenue the Planning Commission **recommends** to City Council **Approval with Conditions** of the **Special Land Use**, based on plans and application dated received by the Planning Department on September 13, 2014 and supplemented February 26, 2015, March 11, 2015 and April 6, 2015 with the following findings and subject to the following conditions.

Findings

1. The proposed development does not detract from, erode or reduce the desirability or economic viability of any residential or business uses within 2,500 feet of the proposed use. The plans as proposed will improve the facility.
2. The site is designed, constructed, operated and maintained so as to be harmonious with the existing or intended character of the general vicinity and will not change the essential character of the area. The site design of the proposed special land use shall minimize the impact of site activity on surrounding properties.
3. The Chief of Police is concerned that the site may impose additional service demands and needs to be addressed by staff. The existing facilities and services beyond police enforcement appear to adequately serve the site for the proposed use and does not impose additional service demands upon the city that will not be adequately addressed by the applicant.
4. The proposed improvement to the site does enhance the public health, safety, welfare, and economic benefit and the municipal purposes and policies of the City.
5. The plans are consistent with the intent and purposes of this chapter and the objectives of the master plan and comply with all applicable state and federal laws.

Conditions

1. That the conditions and requirements of Medical Marijuana Facilities, at the time of approval, be followed.
2. The facility operations are in compliance with the law as determined by the City attorney.

3. The concerns of the Chief of Police are addressed by staff in the licensing process.
4. Any change in business plan associated with the Special Land Use approval, including a change in response to a change legislation or City Code regarding Medical Marihuana, that allows for changes in business structure affecting traffic generation; the occupancy, capacity or membership of the use; the expansion of the use or building; or any change affecting any previous approved special use condition, shall require a new special land use permit.

Site Plan Motion

MOTION by _____, seconded by _____, in the matter of 930 East Lewiston, the Planning Commission **Approve** the **Site Plan**, based on plans dated received by the Planning Department on February 26, 2015 and supplemented March 11, 2015, with the following findings and subject to the following conditions.

Findings

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City ordinances, standards, and requirements, can be met subject to the conditions noted below.
2. Off-street parking areas have been designed to avoid common traffic problems and promote safety.
3. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
4. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.
5. The existing landscape and trees on the property will be preserved and improved upon as part of the proposed site design.

Conditions

1. City Council approval of the Special Land Use.
2. Grading plans are provided for the parking lot to be improved showing existing and finished contours at a maximum interval of two feet to be approved administratively prior to final site plan approval.
3. Removal of bumper blocks from the parking lot.
4. Parking spaces and circulation are redesigned to conform to ordinance standards to be approved administratively prior to final site plan approval.

**SMALL BUSINESS LEGAL SERVICES
& CANNABIS ATTORNEY OF MICHIGAN**
4330 EAST GRAND RIVER AVENUE, HOWELL, MICHIGAN 48843
PH 517.546.1181 FAX 517.292.2468

Denise A. Pollicella, Managing Partner

*Ashlee N. Rudnick, Associate Attorney
Brandon W. Gardner, Associate Attorney*

*September 2, 2014
Via Electronic Delivery & US Mail*

J. Cherilynn Brown, City Clerk
City of Ferndale
300 East Nine Mile Road
Ferndale, Michigan 48220

**Re: Special Land Use Permit For Medical Marihuana Dispensary
930 East Lewiston**

Dear Madam Clerk:

Please find enclosed an application for special land use permit for a medical marihuana dispensary for 930 East Lewiston in Ferndale. We have previously received an approved zoning determination on this site.

Please direct all communications, including questions and requests for additional information, to this office. My clients and I are available at the convenience of the City to meet and answer any questions the City may have.

Thank you in advance for your attention to this matter.

Sincerely,



Denise A. Pollicella

/enc

Cc: client, file
D. Delacourt (cover only)

*Business Transactions * Litigation * Estate Planning * Labor & Employment * Regulatory Law * Medical Marihuana*

Small Business Legal Services & Cannabis Attorneys of Michigan are wholly owned and operated by Denise A. Pollicella, Esq PLLC
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MEDICAL MARIHUANA PRELIMINARY REVIEW CHECKLIST

Name: C-Gardens, LLC Property Address: 930 East Lewiston St Ferndale 48220

1. Provide documentation regarding the applicant's form of entity.
2. Identify the Zoning District of the subject property: M-1 Limited Industrial
3. Identify the proposed uses / activities for the subject property: Medical marihuana provisioning center as defined by, and in accordance with, all applicable state and local laws.

4. Does applicant intend to cultivate / grow marihuana at the property? Yes X No _____
Specify how applicant intends to grow product (techniques, security, utilities, etc) There is an intent to cultivate using hydroponic techniques in an enclosed, locked facility in full compliance with state law, which will include all applicable local building, plumbing and electrical permits. The cultivation facility will be wholly separate from the provisioning center with an individual security system and monitoring and air filtering.
5. Submit documents evidencing authorization to use subject property for medical marihuana (evidence that applicant is owner of the property or a lease or affidavit reflecting right of lease to possess and utilize property for medical marihuana).
6. Diagram of the property showing building layout, distance from adjacent properties, distance from closest schools and churches, other medical marihuana providers and area of property in which medical marihuana will be grown, stored or dispensed.
7. Documentation detailing comprehensive plan of operation for the medical marihuana activity including: Plans for security, signage, disposal of medical marihuana and related byproducts. Provide a complete business plan.
8. Plan to protect confidentiality of medical marihuana patients and evidence of all necessary Health Department permits or licenses associated with all proposed activities on the premises.
9. Acknowledgement that the applicant shall not exceed the state prescribed number of medical marihuana patients.
10. Approval from the Community Development Department and Fire Marshal that the property meets all current codes.

Signatures:

_____ Property Owner	_____ Applicant
_____ Police Department	_____ Community Development

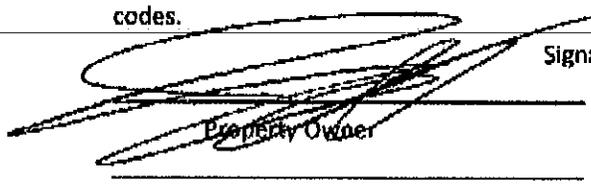
For Office Use Only

Received: _____ Complete: _____ Sent to PD: _____ Returned from PD: _____
Sent to City Atty: _____ Returned from City Atty: _____
Inspection(s): _____ B _____ M _____ P _____ E _____ F _____ C of O Issued: _____

MEDICAL MARIHUANA PRELIMINARY REVIEW CHECKLIST

Name: C-Gardens, LLC Property Address: 930 East Lawiston St Ferndale 48220

1. Provide documentation regarding the applicant's form of entity.
2. Identify the Zoning District of the subject property: M-1 Limited Industrial
3. Identify the proposed uses / activities for the subject property: Medical marihuana provisioning center as defined by, and in accordance with, all applicable state and local laws.
4. Does applicant intend to cultivate / grow marihuana at the property? Yes No
Specify how applicant intends to grow product (techniques, security, utilities, etc) There is an intent to cultivate using hydroponic techniques in an enclosed, locked facility in full compliance with state law, which will include all applicable local building, plumbing and electrical permits. The cultivation facility will be wholly separate from the provisioning center with an individual security system and monitoring and air filtering
5. Submit documents evidencing authorization to use subject property for medical marihuana (evidence that applicant is owner of the property or a lease or affidavit reflecting right of lease to possess and utilize property for medical marihuana).
6. Diagram of the property showing building layout, distance from adjacent properties, distance from closest schools and churches, other medical marihuana providers and area of property in which medical marihuana will be grown, stored or dispensed.
7. Documentation detailing comprehensive plan of operation for the medical marihuana activity including: Plans for security, signage, disposal of medical marihuana and related byproducts. Provide a complete business plan.
8. Plan to protect confidentiality of medical marihuana patients and evidence of all necessary Health Department permits or licenses associated with all proposed activities on the premises.
9. Acknowledgement that the applicant shall not exceed the state prescribed number of medical marihuana patients.
10. Approval from the Community Development Department and Fire Marshal that the property meets all current codes.



 Property Owner

Signatures:

 Applicant

 Police Department

 Community Development

For Office Use Only

Received: _____ Complete: _____ Sent to PD: _____ Returned from PD: _____
 Sent to City Atty: _____ Returned from City Atty: _____
 Inspection(s): _____ B _____ M _____ P _____ E _____ F _____ C of O Issued: _____

MEDICAL MARIHUANA PRELIMINARY REVIEW CHECKLIST

Name: C-Gardens, LLC Property Address: 930 East Lewiston St Ferndale 48220

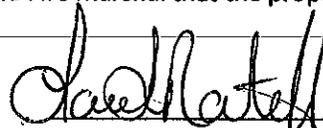
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2. Identify the Zoning District of the subject property: M-1 Limited Industrial
3. Identify the proposed uses / activities for the subject property: Medical marihuana provisioning center as defined by, and in accordance with, all applicable state and local laws.

4. Does applicant intend to cultivate / grow marihuana at the property? Yes X No _____
Specify how applicant intends to grow product (techniques, security, utilities, etc) There is an intent to cultivate using hydroponic techniques in an enclosed, locked facility in full compliance with state law.

5. Submit documents evidencing authorization to use subject property for medical marihuana (evidence that applicant is owner of the property or a lease or affidavit reflecting right of lease to possess and utilize property for medical marihuana).
6. Diagram of the property showing building layout, distance from adjacent properties, distance from closest schools and churches, other medical marihuana providers and area of property in which medical marihuana will be grown, stored or dispensed.
7. Documentation detailing comprehensive plan of operation for the medical marihuana activity including: Plans for security, signage, disposal of medical marihuana and related byproducts. Provide a complete business plan.
8. Plan to protect confidentiality of medical marihuana patients and evidence of all necessary Health Department permits or licenses associated with all proposed activities on the premises.
9. Acknowledgement that the applicant shall not exceed the state prescribed number of medical marihuana patients.
10. Approval from the Community Development Department and Fire Marshal that the property meets all current codes.

Signatures:

Property Owner



Applicant

Police Department

Community Development

For Office Use Only

Received: _____ Complete: _____ Sent to PD: _____ Returned from PD: _____
Sent to City Atty: _____ Returned from City Atty: _____
Inspection(s): _____ B _____ M _____ P _____ E _____ F _____ C of O Issued: _____

**CITY OF FERNDALE
APPLICATION FOR LICENSE
MEDICAL MARIHUANA FACILITY OR MEDICAL MARIHUANA GROW OPERATION**
Pursuant to Chapter 7, Article XX of the City of Ferndale Code of Ordinances

Non-refundable Application Fee: \$2,000.

License is valid from July 1st to June 30th.

I the undersigned do hereby make application for a license for a:

- Medical Marihuana Facility
- Medical Marihuana Grow Operation



SECTION 1.

Information about Facility/Operation

Explanation of services to be provided:	_____
This facility will be used to cultivate medical marihuana and to provide registered patients with medical cannabis in full compliance with state law.	
Physical Address of Facility/Operation:	_____
930 E Lewiston Ave	
Mailing Address of Facility/Operation:	_____
930 E Lewiston Ave	
All Phone Number(s) for Facility/Operation:	_____
To be provided.	

Information about Applicant

Name of Applicant:	<u>Laura Ratliff, authorized agent of C Gardens, LLC</u>
Residential Address of Applicant:	_____
3952 Kings Mill North Branch, MI 48461	
Phone Number(s) of Applicant:	<u>248-830-1045</u>
Please list applicant's business, occupation or employment for the three (3) years immediately preceding the date of application: _____	
<small>C Gardens, LLC is a new multi-member limited liability company engaged in the business of operating a medical marihuana provisioning center. Two members currently own and operate Hardcore Harvest (Montrose, MI) Hardcore Harvest II (Detroit, Michigan)</small>	
List the name and address of any medical marihuana facility or grow operation owned or operated previously by the applicant: <u>Hardcore Harvest 24623 Grand River Ave, Detroit, MI 48219 & Hardcore Harvest II 119 W State St, Montrose, MI 48457</u>	
Has applicant had a business license revoked or suspended in the past?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please state the reason: _____	
What was applicant's business activity or occupation following the revocation/suspension of the business license? _____	
n/a	

If applicant is a Corporation or a Partnership, also fill out Section 2 of this application.

Information about Employees

Please list all current or proposed employees: _____ Laura Ratliff, Tim Ratliff, Michelle Whitney.
For applicant and each employee attach a copy of photo identification proving that he/she is at least 21 years of age.
For applicant and each employee attach copy of Registry Identification Card issued by the Michigan Department of Community Health (MDCH) for Primary Caregiver.

Throughout license period applicant is responsible to supply ID, proof of age and Registry Identification Card for each new employee not listed above.



SECTION 2.

If Applicant is a Corporation:

List names and residence addresses of each of the officers and directors of said corporation and of each stockholder owning more than ten percent of the stock of the corporation:
Address of Corporation, if different from the address of the Medical Marihuana Facility or Medical Marihuana Grow Operation: _____
Name & Address of Resident Agent for Corp.: _____

If Applicant is a Partnership:

List names and residence addresses of each of the partners: Michelle Whitney (34%) 4634 Shoemaker Road, Almont, Michigan; Tim Ratliff (33%) 3952 Kings Mill, North Branch, Michigan; Laura Ratliff (33%) 3952 Kings Mill, North Branch, Michigan
Address of Partnership, if different from the address of the Medical Marihuana Facility or Medical Marihuana Grow Operation: _____
Name & Address of Resident Agent for Partnership: _____ Michelle Whitney, 4634 Shoemaker Road, Almont, Michigan 48003

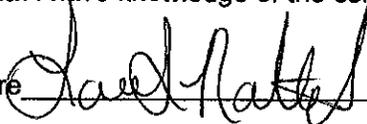




SECTION 3.

I hereby grant authorization for the City, its Agents and Employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

I hereby swear that all the above statements are true, and if the license is granted, I agree to conform to the provisions contained in Ferndale City Code Chapter 7, Article 20, and to conduct said business in the manner required therein, and I hereby acknowledge receipt of a copy of said ordinance and hereby represent that I have knowledge of the contents in relation to the conduct of said business.

Date _____ Applicant Signature 



SECTION 4.

Attachments:

- Copy of completed medical marihuana checklist, as submitted to Community and Economic Development Director
- Copy of photo identification proving applicant and each employee is over the age of 21
- Copy of Registry Identification Card issued by the Michigan Department of Community Health (MDCH) for Primary Caregiver
- Copy of receipt for \$2,000 non-refundable application fee



For office use only.

Inspections:

Community Development _____
 Fire _____
 Police _____

License Number _____ Date Issued _____

Issued by _____

Received \$ _____ License Fee (Non-refundable) Check No. _____

Date _____ By J. Cherilynn Brown, City Clerk



FERNDALE

The City of Ferndale, Michigan
300 East Nine Mile Road
Ferndale, Michigan 48220
(248) 546-2525
www.ferndalemi.gov

Special Land Use Application

1. Identification

Applicant Name Tim Ratliff

Address 3952 Kings Mill

City/State/Zip Code North Branch, MI 48461

Phone () 517-546-1181 **Fax ()**

Interest in the Property (e.g. fee simple, land option, etc.) Lease

Property Owner (if other than applicant) Najor Realty Investments, LLC

Address 930 East Lewiston

City/State/Zip Code Ferndale, Michigan

Phone (n/a) **Fax ()**

2. Property Information

Street Address 930 East Lewiston

Sidwell Number 24-25-27-278-025

Legal Description T1N, R11E, SEC 27 URBANREST SUB LOTS 13 TO 21 INCL,
ALSO N 10 FT OF LOTS 43 TO 52 INCL BLK 6, ALSO THAT PART OF VAC
ALLEY ADJ TO SAME 11-16-89 FR 019

Zoning District M-1

Area 28,125 **Width** 125' **Depth** 225'

Current Use(s) Vacant

Zoning District of Adjacent Properties to the:

North M-1 **South** M-1 **East** M-1 **West** M-1

3. Proposed Use (check one and complete any additional requested information)

- Residential Number of Units 1
- Office
- Commercial
- Industrial Products to be Produced: Medical marihuana
- Institutional
- Other (Describe) _____

Briefly Describe the Nature of the Proposed Special Land Use

This property will be used for medical marihuana provisioning center as defined by, and in accordance with, all applicable state and local law.

4. Special Land Use General Criteria. The applicant must provide written responses to demonstrate how the Special Land Use Standards (*Section 12.03 Review Standards*) will be satisfied by the proposed Special Land Use. Describe how the proposed special land use will:

- a. Not unreasonably detract from, erode or reduce the desirability or economic viability of any residential or business uses within twenty-five hundred (2,500) feet of the proposed use.

The business and its structure will be well-maintained and appropriate for its zoned use. Reasonable measures will be taken to ensure compliance with all applicable laws and ordinances.

- b. Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area. Consideration shall be given to the compatibility of the proposed use with the existing uses and the natural environment.

All efforts will be taken to ensure that the structure is appropriate to the surrounding buildings. All efforts will be taken to ensure compliance with local ordinances.

- c. Be served adequately by existing public services and facilities and not impose additional service demands upon the City or its anticipated future resources and; if it does, whether the developer adequately addresses any such service or facility.

It is not anticipated that this structure and business will require resources above and beyond typical use of businesses in the vicinity.

- d. Further enhance the public health, safety, welfare and economic benefit, and the municipal purposes and policies of the City, and not have any unreasonable parking or traffic impact on the surrounding area.

It is not anticipated that this business will adversely affect the health, safety, and welfare, and economic benefit of the area. Additionally, there should not be an unreasonable amount of parking. The owners will ensure this business enhance the city.

- e. Be consistent with the intent and purposes of this Ordinance and the objectives of the Land Use Plan, and comply with all applicable State and Federal laws.

The applicant is familiar with the applicable ordinance(s) and in conjunction with its attorney, intends to implement policies to maintain the requirements of the ordinance.

- 5. Special Land Use Specific Requirements.** The general standards and requirements listed above are basic to all uses authorized by a special land use approval. However, certain special land uses, because of their unique character and potential impacts on the welfare of adjacent properties and the City; require that additional specific requirements be met. Refer to the applicable district for these special standards. If specific requirements are applicable to the proposed use, a description of how each requirement has been met must be included.
- 6. Site Plan Review.** In addition to the preceding questions and information, properties for which application for special land use approval is made shall also be subject to site plan review in accordance with the requirements of Article 11. Failure to obtain plan approval will constitute denial of the approved special land use.
- 7. Completing the SLU Application.** The following checklist includes all documents required for the Community Development Services Director to declare the application complete and begin the SLU process. All items are due three (3) weeks prior to the Plan Commission meeting:

- Payment in full of the required fee - includes Site Plan Review.
- Copies of the completed application form.
- Four (4) folded copies of plans that comply with the above criteria and a CD with all application materials. Once a preliminary administrative review is completed, additional, revised sets of folded drawings and all supporting documentation will be required.
- A copy of the complete legal description of the property.
- Proof of property ownership.

I, _____ (applicant),
do hereby swear that the information given herein is true and correct.

Signature of Applicant

Date

Signature of Property Owner

Date

9-2-14

I, **Jason Najor** _____ (property owner), hereby give permission for City of Ferndale officials, staff, and consultants to go on the property for which the above referenced site plan is proposed for purposes of verifying information provided on the submitted application.

For Community Development Services Director Use	
Fee:	
File No:	
Signature:	Date:

Supplement to Special Use Permit Application of C Gardens, LLC

Property Information:

930 East Lewiston

Owner: Najor Realty Investments, LLC

Parcel Number: 24-25-27-478-025

Legal Description:

T1N, R11E, SEC 27 URBANREST SUB LOTS 13 TO 21 INCL, ALSO N 10 FT OF LOTS 43 TO 52
INCL BLK 6, ALSO THAT PART OF VAC ALLEY ADJ TO SAME 11-16-89 FR 019

Zoning: M-1

C-Gardens, LLC

Business and Operations Plan

930 E. Lewiston Ferndale, Michigan

February 2015

This document is the property of C-Gardens, LLC, for the sole, exclusive and confidential purpose of setting forth its operational plans for doing business in the City of Ferndale, Michigan. Public dissemination, unauthorized use or duplication of this material is expressly prohibited.

I. Overview

C-Gardens, LLC is a medical marijuana patient caregiver center, also known as a provisioning center, or dispensary. It is our goal to provide excellence in alternative healing arts through comprehensive wellness services that include providing a safe, secure, neutral place in which caregivers and their registered, qualifying patients can meet to consult and exchange lab-tested medical cannabis. It is our goal to be leaders in service, quality and community partnership.

II. Operations

Preamble: The operations of C-Gardens, d/b/a Canna Gardens will comply at all times with state law and local ordinance. The company has retained a law firm with established expertise in Michigan medical marijuana law to ensure continuing education and compliance with the laws as they evolve. The statements made in this application are made with a clear understanding of state and local requirements as they exist on the date of application, but the operations of Canna Gardens will be amended to comply with all future derivations of the MMMA and companion applicable statutes and case law, with permission from the City as necessary. Canna Gardens will provide updated operational and security plans to the City upon request.

A. Location

- i. The proposed location of the center is 930 E. Lewiston Avenue, Ferndale. The location meets the zoning requirements in the City of Ferndale for a medical marijuana provisioning center a/k/a dispensary (“Center”). The Business will lease the premises. The building is in the M-1 zoning area and faces Lewiston, with its only entrance on Lewiston and adjacent parking to the West. There are two other warehouse garage entrances that will be secured and will never be public entrances. Security and alarm systems are addressed both on the site plan and in the applicable section of this document.

B. Organizational Structure

- i. C-Gardens, LLC is organized as a Michigan multi-member limited liability company. This location will be the business’ first. We are not part of a franchise and our ownership is entirely made up of Michigan residents. Two of the four members of the LLC have significant experience in the cultivation of medical marijuana and in the operation of provisioning centers in Michigan. Tim Ratliff, a member and certified arborist, will be the on-site manager-caregiver. All members of the LLC are Michigan registered caregivers, and no member has a felony record. All detailed member information required by the ordinance has been submitted with the application.
- ii. A preliminary site plan was submitted prior to the business gaining access to the building. A revised signed and sealed site plan created after the December 17, 2014 planning commission meeting – and incorporating the commission’s comments – is submitted concurrent with this operational plan, and it is incorporated by reference. Specifically, we have addressed in significantly further detail the parking area lighting, external lighting and security, the building security and alarm systems, and removal of the external dumpster, and the internal building plan.

C. Hours of Operation

- i. Proposed Opening April 30, 2014
 - i. The business will not be open to the general public for purposes of providing caregiver-patient services. See Daily Operations, below.
- ii. Hours of Operation M – S 8 am – 8 pm, Sun 12 Noon – 8 pm

D. Employees

- i. C-Gardens, LLC will employ lawful Michigan residents over 21 authorized to work in the United States who are either registered, qualifying patients or registered caregivers with the Michigan Medical Marihuana Program (MMMP). There will be an authorized owner, officer or manager on the Premises at all times during business hours. Staff will be trained in both the MMMA, MMP, HIPAA and operational / security policies of the applicant. All staff will be readily identifiable by security badges and/or a company uniform, which will consist of a company polo-style shirt with logo. All staff will be required to sign policy, procedure and operations statements, employee handbook acknowledgements, and HIPAA agreements. There will also be at least one dedicated security guard on the premises at all times, which is addressed more specifically under the Security Plan.
- ii. While the City ordinance does not specify or limit the number of caregiver-staff working on site at any one time, the center will voluntarily limit the number of caregiver-staff providing patient-caregiver services to five (5), pending changes in federal, state and/or local law. This limits the total number of patients visiting the center on any one day to a total of twenty-five (25).

E. Operational Space and Day-to-Day Operational Activities

The center will be divided into three wholly separate areas:

- i. **A public reception area, waiting room and educational area.** All persons entering the facility will be greeted by a bonded and insured security guard. The public area will contain goods for sale including, but not limited to, t-shirts, candles, creams, teas, oils, and books and other educational materials. This will also serve as a public gathering area for seminars, patient-caregiver matching meetings, and other public educational events. No medical marihuana or paraphernalia will be displayed, stored or available in the public area and no caregiver-patient medical marihuana services or consulting will take place in the public area.
 - a. If the person is a patient of a caregiver staff member who is on site, the person's state and photo identification and MMMP registry documentation will be taken and confirmed in this area prior to entry, and the patient will then be escorted by his or her caregiver to a private consultation area (5b) and escorted back to the public area when the consultation is finished.
 - b. If the person is a patient of a caregiver who is not currently on site, s/he will be informed of same and will either (a) be asked to return to the center when his or her caregiver is present or (c) if the caregiver maintains a locker for the patient on the premises, the person's state and photo identification and MMMP registry documentation will be taken and confirmed and then he or she will be escorted by staff to a secure storage area (5b) after confirming the patient's locker number, and will be provided access to patient's locker and then escorted out. (This is

akin to a safe deposit box transaction at a bank, in which bank staff escort and customer to and from the lock box area.) However, because patients and caregivers customarily have close working relationships due the specific medical needs of most patients, we will encourage caregivers to communicate directly with their patients to schedule specific meetings times during business hours.

- c. If the person is a patient without a caregiver and a caregiver on staff and present is in need of a patient, the person's state and photo identification and MMMP registry documentation will be taken and confirmed and the caregiver will escort the patient back to a private consultation to discuss the patient's medical marijuana needs and whether the caregiver can provide the patient with the appropriate medicinal cannabis he or she requires. If the caregiver cannot, the patient will be escorted back to the reception area and provided with educational materials. If the caregiver can assist the patient, the caregiver and patient may complete an MMP caregiver attestation and change form and engage in any state protected conduct as provided by the Act.
 - d. If the person is not a medical marijuana patient, he or she will be provided with educational materials regarding medical marijuana, the MMMA and the MMP.
- ii. **A secure consultation area.** This will be a second, secured area in which is located three private consultation offices in which an MMP patient and his or her registered caregiver can meet for consultation and the dispensing of the patient's medical marijuana. This area will also contain a separate, locked area in which caregivers may store medical marijuana if they are unable to meet their patients at the center, but wish to make the patients' medicine available to them. This separate area will contain lockers marked with the caregivers' names and the patients' MMP numbers, respectively, and to which only the caregivers and patients have a key code. This area may also contain separate, private areas in which other alternative healing services, such as massage therapy and yoga, are provided to patients. *All medical marijuana brought on to the property by caregiver staff will be inspected by the on-site operations manager to ensure (a) that the caregiver is transporting no more than 2.5 ounces of usable medical marijuana per patient into the center (b) that the medical marijuana is in secure containers clearly marked with the patient name and amount of medical marijuana contained therein (c) that the medical marijuana is stored securely in the caregiver staff member's locker, and (d) that the medical marijuana has been lab tested for safety to ensure that it contains no mold, pesticides or other contaminants. No person other than a caregiver staff member will be permitted to bring medical marijuana onto the property.
 - iii. **A staff area.** This will be a third, secured area that is not open to the public or to any person that is not a staff member. This area will be used for, among other things, private staff meetings, executive offices, business records, staff break room, office supply storage, and utilities. *The warehouse area that contains six separate, secured, locked and enclosed cultivation facilities will be located in the secure staff area. Each cultivation facility will be separately locked, and owned (subleased) by one staff caregiver and accessible only to that caregiver and his or her registered qualifying patients. Under each caregiver sublease, a caregiver will be given one 20' x 16' vegetation room and one 20' x 16' flowering room for their five patients.

Signage

- ii. There are no current plans for an external sign; however, any external sign will be in compliance with state law and will be approved and permitted by the City of Ferndale prior to installation.

III. Administration

A. Permits & Licenses

There is no current permit or license required or available for the operation of a medical marihuana provisioning center at the state level. This Operations Plan is submitted as an addendum to C-Gardens, LLC's application for a City of Ferndale permit to operate its business. The business will not open the center for operation until it receives all applicable permits and licenses from the municipality.

B. Fees

- i. Storage: the Center will charge a storage fee to caregivers for the safe storage of their medical marihuana. This is akin to a safe deposit box at a bank.
- ii. Consultation: the Center will charge a consultation fee to both caregivers and patients who wish to consult with a member of the staff regarding medical cannabis, finding a patient or caregiver, facilitation of lab testing, and the facilitation of the patient's use of marihuana pursuant to the MMMA.
- iii. Caregiver services: Any caregiver staff will be permitted and encouraged to provide consultation and caregiving services to his or her patients on the premises pursuant to the MMMA.
- iv. Other services: the center will charge for additional added services and products, such as yoga classes, massage services, seminars, and other related alternative health products and services, some of which are yet to be determined and will be offered based upon demand. Any type of service not requiring a patient-caregiver relationship and not involving the exchange of any medicinal marihuana will be provided in the public-access educational area.

C. Michigan Medical Marihuana Law statement:

- i. As of this writing and application, Michigan law provides immunity from prosecution for certified, registered medical marihuana patients who possess 2.5 ounces or fewer of dried, cured medical marihuana for their respective health condition, and for the registered, qualified caregivers of those patients who possess no more than 12 plants for patient in a secured, locked, enclosed facility and no more than 2.5 ounces of dried, cured medical marihuana for each of the caregivers patients not to exceed 5 patients. It is the intention of C-Gardens, LLC to:
 - a. provide a safe, secure, neutral location in which caregivers can meet with their patients in order to consult and exchange medical cannabis;
 - b. provide a safe, secure, neutral location in which caregivers in need of patients, and patients in need of caregivers, can meet and consult;
 - c. provide a safe, secure, neutral location in which caregivers and patients to bring their medical marihuana for lab testing for contaminants;
 - d. provide a safe, secure location in which caregivers can store their medical marihuana for their patients in the event that a patient and caregiver cannot meet;
 - e. facilitate, in any lawful manner, the safe transfer of medical marihuana

- from caregivers to patients;
- f. Provide a safe, secure educational environment for members of the public to gather, visit and learn more about the benefits of medical cannabis.
- g. Promote, advocate for, and encourage others to advocate for, the safe use of medical cannabis as an alternative or complimentary medical therapy.

The Center will not:

- a. promote the unlawful use of marihuana or any other drug;
- b. permit loitering; loud noise or any public nuisance;
- c. engage in the sale of marihuana to any person;
- d. allow the ingestion of marihuana anywhere on the premises;
- e. violate the privacy of the caregivers and patients who visit or use the Center;
- f. to the best of its ability, allow for the unauthorized transfer of medical cannabis from any caregiver to a person who is not his or her registered, qualifying patient.

The Applicant duly warrants that its caregivers shall not exceed their maximum number of lawfully-allowed registered, qualifying patients through the MMP.

- D. C-Gardens, LLC will comply with all applicable state law regarding the storage and transportation of medical marihuana and, to the extent the law in Michigan or the United States changes, will adapt its operational policy, structure and product and service offerings to conform to all legal requirements.
- E. Any person, including any patient or caregiver-staff, that is found to have violated the MMMA in any manner will be immediately asked to leave the center and will be prohibited from returning.

IV. Security Plan

1. Building Security

The building will be equipped with a commercial centrally-monitored alarm and fire system recorded off-site with a thirty (30) day loop. The applicant will make a copy of the security agreement available to the City upon receipt. The building and parking lot will be well-lit and free of obstructions to discourage loitering and break-ins. The building will be equipped with key coded bolt locks on all outer doors. If necessary and required to discourage loitering, an independent security service will be retained, although it is not anticipated that this will be necessary. A security guard will monitor both the main entry door and the parking lot and other exterior areas through a bank of security monitors.

2. Security of Medical Cannabis

No more usable medical cannabis will be stored on the Premises that can otherwise be in the personal possession of the caregiver staff that are on the Premises at any one moment. Any medical cannabis not currently in use will be stored in combination accessed or keyed lockers which are bolt-secured to the floor of the building. Having this limited amount of medical cannabis on site will discourage

theft and burglaries. Medical cannabis dispensed to a registered patient will be enclosed in a child-proof, prescription-type vial or container labeled with the patients name, MMP registry number, the name and address of C-Gardens, any other information required by state law, and the statement, “This is medical cannabis for the sole and exclusive medical use of the patient whose name appears on this label. For medical use only. Not for resale. Keep out of the reach of children. May cause drowsiness. Do not drive or operate heavy machinery. Must be transported in this container in the truck of your vehicle.”

3. Security of Cultivation Facility

The cultivation of medical marihuana plants will be in a wholly separate, secured locked enclosure within the main building. There will be a maximum of three (3) caregivers cultivating on the Premises. No persons other than those three (3) caregivers and their patients will have access to their respective cultivation enclosures. The cultivation facilities will have separate subleases and security, and the enclosures will not be in the view of any business invitee or member of the general public.

4. Security and Privacy of Patients

The patients will consult with their respective caregivers in a private, enclosed room. All patient records will be kept in accordance with, and subject to, HIPAA. The staff is, and all future staff will be, trained in HIPAA and all computers and paper documents will be secured from unauthorized access. Staff will be expressly prohibited by company policy from removing computers or patient information in any form from the Premises.

5. Security of the Residents and Guests of the City of Ferndale

Authorized law enforcement and city officials will be allowed to inspect Canna Gardens and its business and facilities at any time. The applicant will not use any signage or advertising that promotes the underage or unlawful use of medical cannabis. The applicant will work with the City of Ferndale to ensure a safe, prosperous community.

V. Cultivation Plan

A. Cultivation of Medical Cannabis

The proposed caregiver-cultivators are experienced cultivators. Mr. Ratliff is a botanist, and has been cultivating medical cannabis since the passage of the MMMA in 2008. Cultivation will be accomplished hydroponically, using primarily organic integrative pest control methods. Harvesting will be on-site and enclosed in the cultivation facility, wholly separated from the provisioning center. Plumbing, electrical and air filtering will be encapsulated and separate from the provisioning center, with separate metering, if possible.

B. Disposal of cannabis waste products

There will be no waste from the marihuana plants themselves. Stalks and roots will be shredded beyond usability (or attractive nuisance potential) and disposed of pursuant to all applicable municipal ordinances governing the disposal of agricultural products.

C. Cultivation Plan Details:

C-Gardens will require the following from its cultivator-caregivers:

The cultivations must be designed to deliver the very best medical grade product to patients and leave the smallest imprint on the environment. Approximately 20’x16’ rooms the

sidewalls will be pre-constructed insulated panels with 5/8" drywall inside and out for fire rating and steel fire rated doors, locking handle and dead bolt, anchored into existing cement floor. Room doors will be clearly marked with caregiver and patient information on the outside of the door.

Vegetation room lights will consist of eight T-5 florescent lights in each vegetation room. Flowering room will consist of eight Gavita digital 1000 watts lights in each flowering room. All electrical will be done by a licensed electrician.

Rooms will be 100% sealed, with no need for outside air exchange or tying into existing (HVAC). Rooms will have carbon filters for smell and air filtration to insure medical grade product.

Rooms will be supplied with co2 using tanks and regulators and co2 monitors with approximately 1200 ppm. Each room will have an installed commercial dehumidifier, steady room temperatures will be maintained by 3- 36,000 BTU mini-split AC/Heat units.

All plants will be grown using M3 medical marihuana soil mix, a 100% organic product produced and sold in Ludington, Michigan. (Visit www.jfmmm.com). This is a water only program. This product is 100% organic with very low heavy metal contents, to help insure a medical grade plant. Soil mix not in use will remain on the pallet and stored inside the cultivator's room until needed. There will be a 275 gallon tank on site for water which uses a reverse osmosis system to filter the water that will be used to water plants.

Each caregiver will use 15 gallon material grow bags that allow more oxygen in the root zone and this prunes plants naturally. Water evaporates more quickly due to the breathable material. Each grow bag will sit inside a watering saucer to help retain the overflow of water and evaporate it in between watering's.

Root balls, branches and other incidental materials will be discarded in a large roll dumpster stored inside the garage area (in the secured staff area) and removed from the sight. All other products, such as plastic bags, will be put in a recycle bin. There will be no possibility for any over-flow of fertilized water going into sewer system as it is 100% organic soil system. There will be absolutely no waste water from this operation.

All harvested medical marihuana will be either transported off site by caregiver for drying and curing, or will be stored within his or her secured, locked and enclosed cultivation facility for drying and curing.

LANDSCAPE NOTES:

ALL LAWNS AND LANDSCAPE AREAS SHALL BE IRRIGATED. CONTRACTOR SHALL PROVIDE THE OWNER WITH A COMPLETE AS BUILT PLAN OF THE IRRIGATION SYSTEM UPON COMPLETION OF INSTALLATION. SEE SPECIFICATION.

ALL DAMAGED OR DESTROYED LAWN AREAS SHALL BE SODDED. SOD SHALL BE A KENTUCKY BLUE GRASS BLEND. SEE SPECIFICATIONS FOR ADDITIONAL INFORMATION.

ALL LANDSCAPE BEDS TO BE MOUNDED A MIN. OF 3".

LANDSCAPE BEDS SHALL BE EDGED WITH DURATUBE METAL EDGING. MANUFACTURED BY J.D.RUSSELL CO. (810) 269-2700.

ALL PERENNIALS BEDS TO RECEIVE 2" OF SHREDDED HARDWOOD MULCH
ALL SHRUBS AND TREES TO RECEIVE 3" OF SHREDDED HARDWOOD MULCH
ALL TREES NOT IN BEDS SHALL HAVE A 3' MULCH RING.

PLANTING MIX SHALL BE 40 PERCENT LOAM TOPSOIL, 30 PERCENT COMPOST, 20 PERCENT SAND.
PERCENT PARTIALLY DECOMPOSED MILLED SPHAGNUM PEAT AND 10 PERCENT

PLANT LIST & LEGEND					
KEY	MARK	QTY.	LATIN NAME	COMMON NAME	COMMENTS
EA	⊕	20	EUONYMUS ALATUS COMPACTA	BURNING BUSH 36-40" B&B	36" O.C. NEW

LEGAL DESCRIPTION:
T1N, R1E, SEC 27 URBANREST SUB LOTS 13 TO 21 INCL, ALSO N 10 FT OF LOTS 43 TO 52 INCL BLK 6, ALSO THAT PART OF VAC ALLEY ADJ TO SANE 11-16-89 FR 019

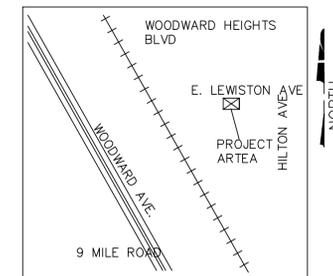
SITE AND BUILDING DATA

PARCEL # 25-27-478-025
EXISTING ZONING: M-1 (LIMITED INDUSTRIAL)
ADJACENT ZONING: M-1 (LIMITED INDUSTRIAL)
EXISTING USE: M-1 (LIMITED INDUSTRIAL)
PROPOSED USE: M-1 (LIMITED INDUSTRIAL)
LOT AREA: 27,000 SQ.FT
BUILDING AREA: 10,000 SQ.FT
LOT COVERAGE: 38.5 PERCENT

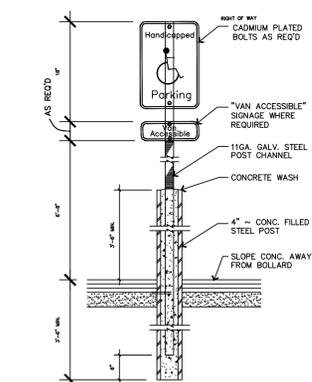
REAR YARD SET BACK 26 FT
FRONT YARD SET BACK 14 FT
SIDE YARD SET BACK 45 FT
SIDE YARD SET BACK 50 FT

PARKING
TOTAL REQUIRED 20 SPACES
PROVIDED 25 INCLUDING 2 HANDICAP SPACE

NOTE:
PARKING LOT WILL BE RESURFACED AND STRIPE



LOCATION MAP TO SCALE



SCALE: NONE
HANDICAP PARKING SIGN

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ANN ARBOR, MI. 48106
PH:(313) 790-0129
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DEARBORN, MI-48126
PH:(313) 582-0022
FAX:(313) 582-0028
DRAWN BY:
MAB
APPROVED BY:
ADNAN AL-SAATI

Location :
930 E. LEWISTON AVE
FERNDALE, MI.

SUBMITTALS

REVISIONS:
3/11/2015

PROJECT NO
946

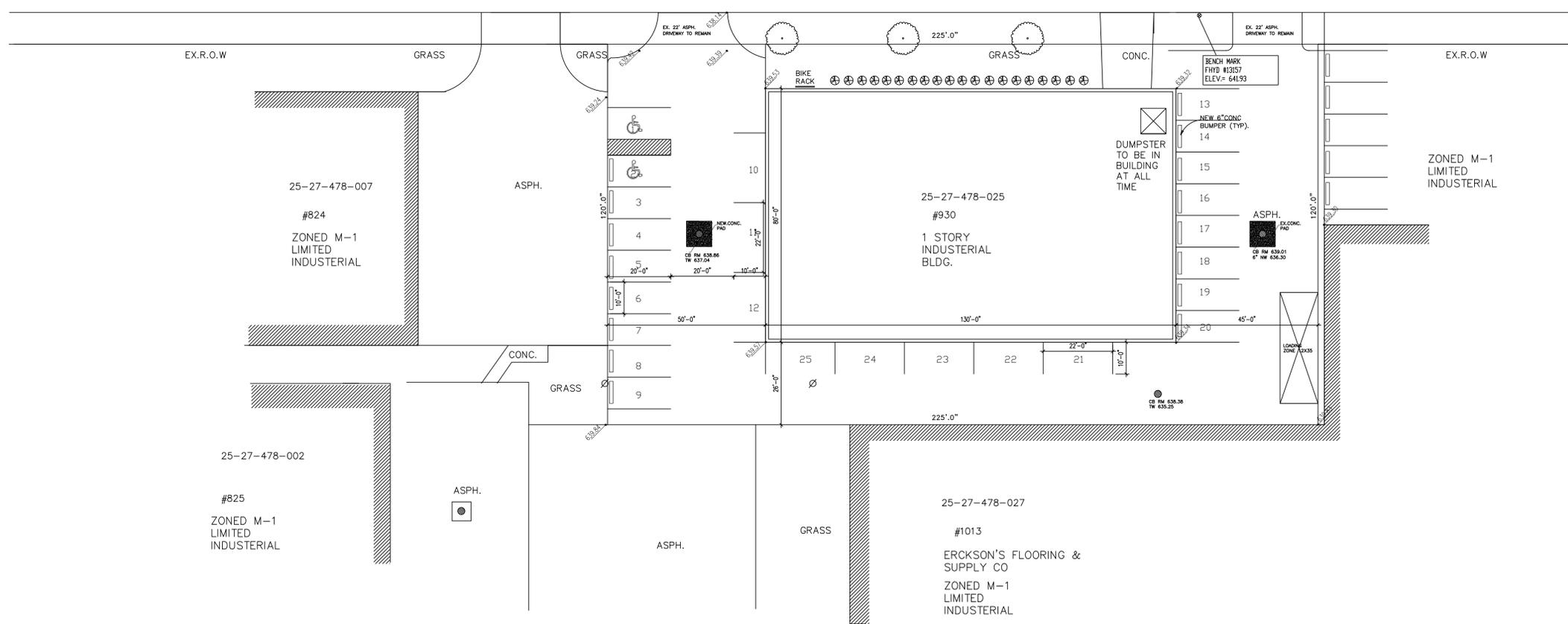
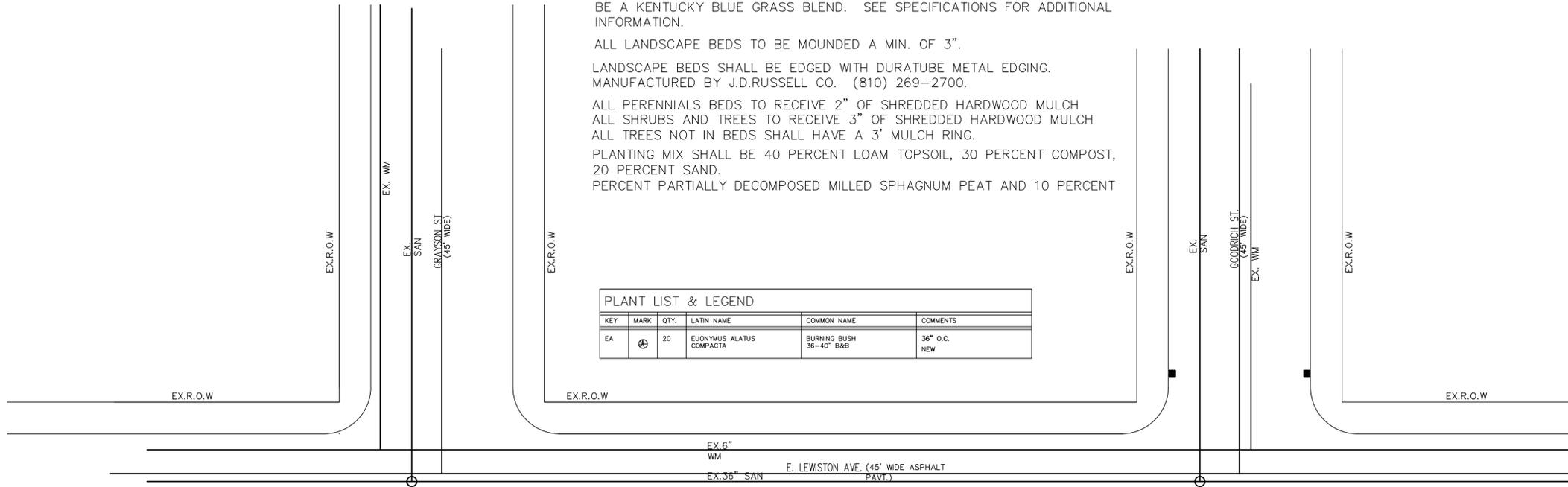
DATE
3/11/2015

SCALE
NOTED

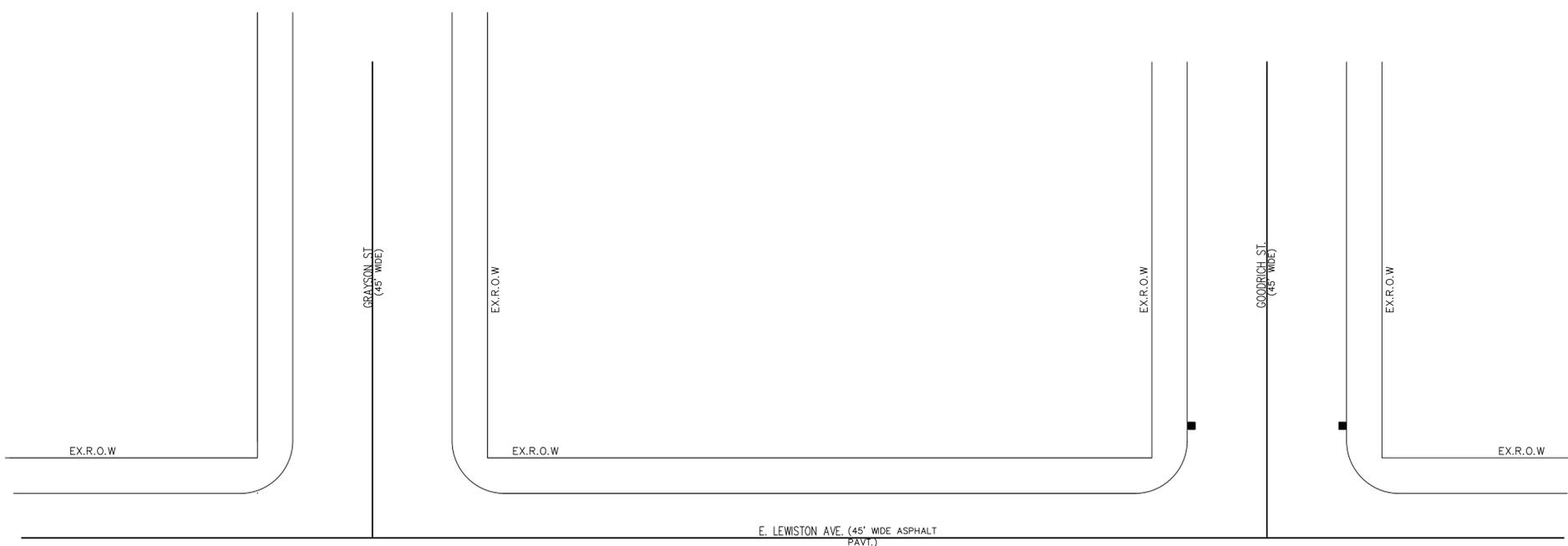
SHEET TITLE
SITE PLAN

SP-1

SEAL



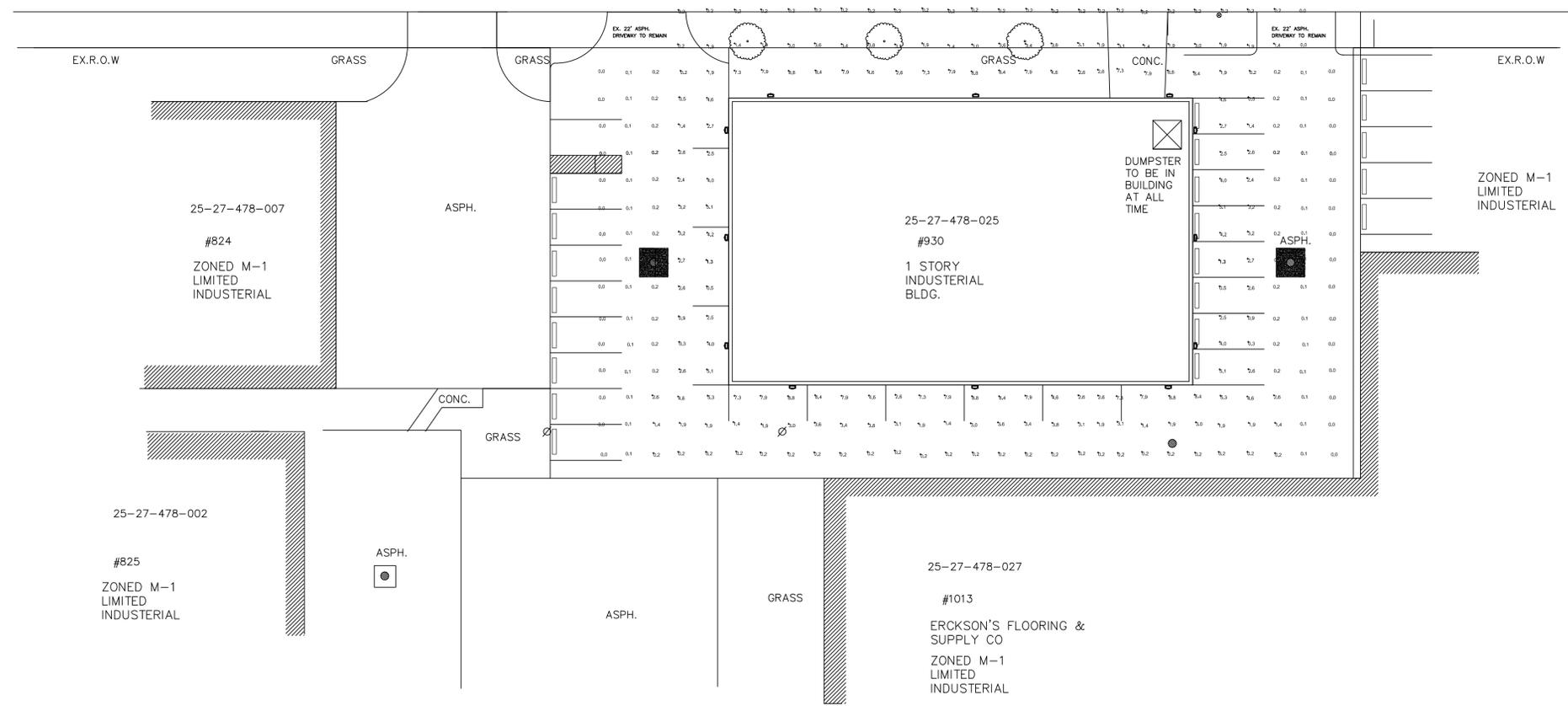
PROPOSED SITE PLAN
SCALE: 1"=20'-0"



LUMINAIRE SCHEDULE									
Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
	A	12	TWH 100M FS	GENERAL PURPOSE BUILDING MOUNTED LUMINAIRE, 100W MH, CLEAR LAMP, W/ FULL SHIELD.	ONE 100-WATT CLEAR ED-17 METAL HALIDE, HORIZONTAL POSITION.	TWH_100M_F S.ies	8500	0.81	140

STATISTICS						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #3	+	2.4 fc	8.8 fc	0.1 fc	88.0:1	24.0:1

LUMINAIRE LOCATIONS										
No.	Label	Location			MH	Orientation	Tilt	Aim		
		X	Y	Z				X	Y	Z
1	A	209.7	94.1	11.5	11.5	0.0	0.0	209.7	94.1	0.0
2	A	225.3	94.1	11.5	11.5	0.0	0.0	225.3	94.1	0.0
3	A	198.3	94.1	11.5	11.5	0.0	0.0	198.3	94.1	0.0
4	A	181.5	94.2	11.5	11.5	0.0	0.0	181.5	94.2	0.0
5	A	176.8	87.5	11.5	11.5	-90.0	0.0	176.8	87.5	0.0
6	A	176.9	64.5	11.5	11.5	-90.0	0.0	176.9	64.5	0.0
7	A	229.9	64.5	11.5	11.5	90.0	0.0	229.9	64.5	0.0
8	A	229.8	87.4	11.5	11.5	90.0	0.0	229.8	87.4	0.0
9	A	176.8	87.5	11.5	11.5	-90.0	0.0	176.8	87.5	0.0
10	A	176.9	64.5	11.5	11.5	-90.0	0.0	176.9	64.5	0.0
11	A	229.9	64.5	11.5	11.5	90.0	0.0	229.9	64.5	0.0
12	A	229.8	87.4	11.5	11.5	90.0	0.0	229.8	87.4	0.0



PROPOSED PHOTOMETRIC PLAN
SCALE: 1"=20'-0"

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DRAWN BY:
MAB

APPROVED BY:
ADNAN AL-SAATI

Location :
930 E. LEWISTON AVE
FERNDALE, MI.

SUBMITTALS

REVISIONS:
3/11/2015

PROJECT NO
946

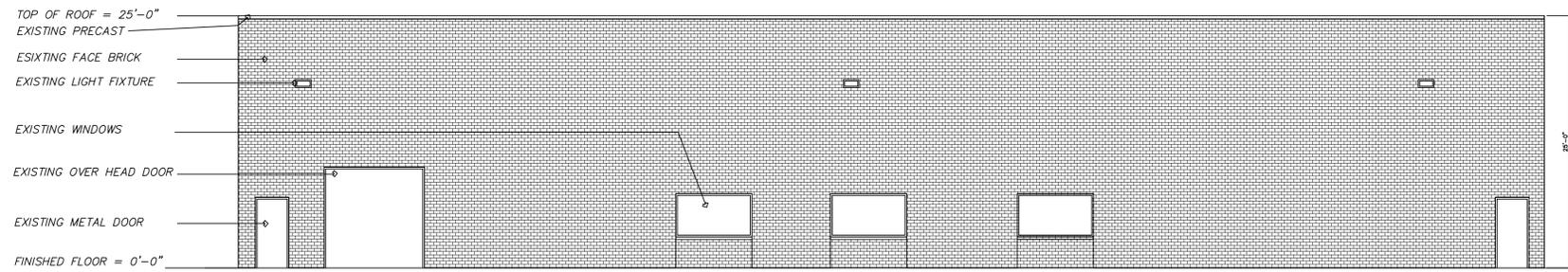
DATE
3/11/2015

SCALE
NOTED

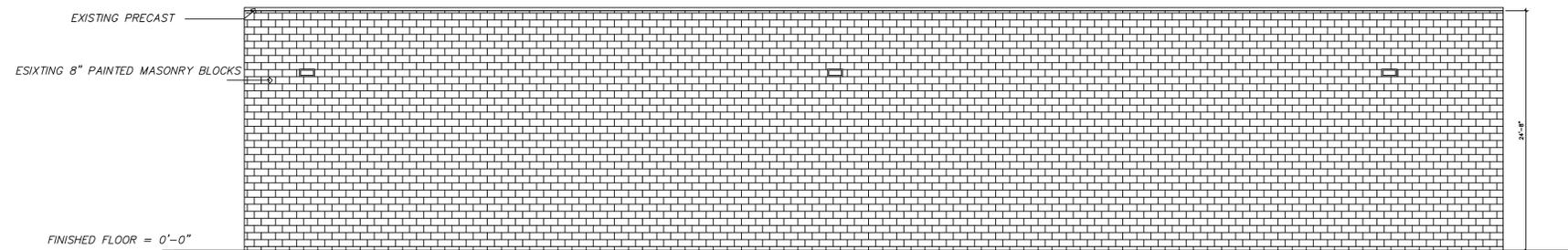
SHEET TITLE
PHOTOMETRIC PLAN

SP-2

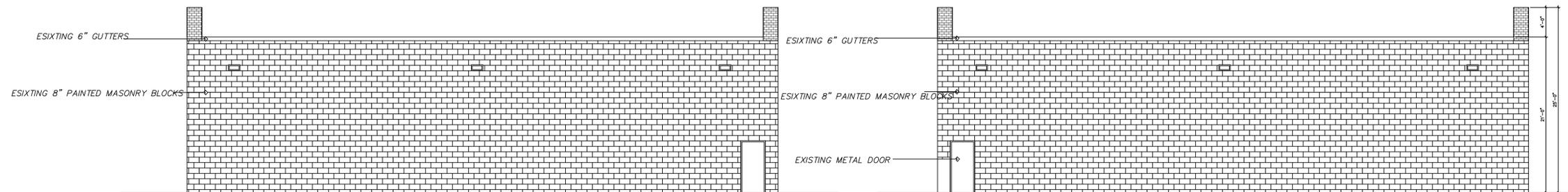
SEAL



EXISTING SOUTH ELEVATION
SCALE: 1/8"=1'-0"



EXISTING NORTH ELEVATION
SCALE: 1/8"=1'-0"



EXISTING WEST ELEVATION
SCALE: 1/8"=1'-0"

EXISTING EAST ELEVATION
SCALE: 1/8"=1'-0"

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DRAWN BY:
MAB

APPROVED BY:
ADNAN AL-SAATI

Location :
930 E. LEWISTON AVE
FERNDALE, MI.

SUBMITTALS
REVISIONS: 3/11/2015
PROJECT NO 946
DATE 3/11/2015
SCALE NOTED
SHEET TITLE ELEVATION PLAN

A-2

SEAL

CITY OF FERNDALE

NOTICE OF PUBLIC HEARING

The Ferndale Planning Commission will hold a Public Hearing in the Ferndale Council Chambers, 300 East Nine Mile Road, Wednesday, April 15, 2015 at 7:00 PM, to consider a Special Land Use application (Ord. 1087, Sec. 24-271) submitted by Ferndale Canna Gardens for a Medical Marihuana facility (Ord. 1087, Sec. 24-102) to be located at:

SIDWELL #24-25-27-478-025, T1N, R11E, SEC 27 URBANREST SUB LOTS 13 TO 21 INCL, ALSO N 10 FT OF LOTS 43 TO 52 INCL BLK 6, ALSO THAT PART OF VAC ALLEY ADJ TO SAME 11-16-89 FR 019, commonly known as 930 E Lewiston.

Any resident or property owner may participate in the hearing, or submit written comments to the Community and Economic Development Department prior to Tuesday, April 14, 2015. For more information, please contact the Community and Economic Development Department at 248-546-2366.

Derek Delacourt, Director
Community & Economic Development
(248) 546-2366

Published: Daily Tribune April 3, 2015



To: Plan Commission
From: Michelle Foster, Planner
Date: April 7, 2015
Re: TOD Overlay District Ordinance Adoption

As requested, staff has moved forward with developing an overlay ordinance to facilitate transit oriented development. This ordinance would require a minimum of two stories on properties and additional site development standards in the CBD and those fronting Woodward Avenue, for new and certain renovated buildings. City and DDA staff met with stakeholders in January to discuss the draft ordinance. The draft ordinance has since been revised at the commission's and City attorney's request and is attached for further review.

The Planning Commission asked staff to move forward with the TOD Overlay District ordinance adoption process. Staff noticed a public hearing, including a mailing to all of the building and land owners within the district. Staff forwarded the draft ordinance to the City attorney to review the final language prior to posting the public hearing notice. The Public Hearing has been scheduled and noticed for March 15, 2015 at 7pm.

The draft ordinance is attached for your review and has been posted on www.ferndalemoves.com for public review.

History:

- June 12th: Development proposal led to the PC decision to discuss height standards
- August 5th: City and DDA staff and commissioners met to discuss density and height requirements, discussion facilitated by Mark Nickita, AIA
- October 15th: PC presented a draft overlay ordinance, PC requested changes to expand district from CBD to include Woodward Avenue
- December 17th: PC discussed updated draft and requested staff to hold a stakeholder meeting in January
- January 21st: City and DDA staff held stakeholder meeting and presented the results to PC; PC requested staff to make revisions to the draft to bring to February meeting
- February 18th: PC requested staff to notice a public hearing for the March meeting to move forward with the adoption process.
- No March PC meeting; Attorney review

ATTACHMENTS: Project Description
 Draft TOD Overlay Ordinance
 Overlay Map

RECOMMENDED ACTION:

Moved by _____, seconded by _____, that the Planning Commission recommends City Council adopt the ordinance and associated zoning text amendments to establish the Transit-Oriented Development (TOD) Overlay District, with the following findings.

Findings

1. The TOD District is consistent with the goals, policies and future land use map of the City of Ferndale Master Plan, Downtown Development Plan, Ferndale Moves! Multi-Modal Plan, and the Woodward Avenue Transit-Oriented Development Corridor Study.
2. The City of Ferndale recognizes that development near transit results in an efficient use of land which will help promote economic potential, pedestrian activity, transit access, while also improving urban form and design, while achieving the Master Plan vision.
3. The Planning Commission, after due notice as provided by law, conducted a public hearing on April 15, 2015 to solicit input regarding the proposed amendment and after receipt of public comment and diligent consideration, the Planning Commission has determined that it is in the best interest of the City of Ferndale to adopt the amendment and that it will not compromise the health, safety and welfare of the city.

TOD District

Background

The Planning Commission continuously has discussions regarding development patterns, building standards, and best practices. The intention of the commission is to preserve the character of Ferndale, enhance the quality of life of residents, and provide for a diverse tax base and vibrant community consistent with development patterns and the following plans:

- 2008 Master Land Use Plan,
- Downtown Development Plan,
- Ferndale Moves! Multi-Modal Plan,
- Woodward Avenue Transit-Oriented Development Corridor Study, and
- Woodward Avenue Rapid Transit Alternatives Analysis.

With the uptick in development activity coinciding with the further investment in transit and nonmotorized transportation across the region, the Planning Commission has made an effort to create densities that will support transit as well as to provide a pedestrian friendly environment.

In August, city and DDA staff, planning commissioners, and Council representation met to discuss density and height restrictions. Mark Nickita, an expert architect and urban designer, led the discussion. He educated the group on design standards and best practices by giving local and international examples on city aesthetics, urban design, and building height restrictions. Following discussion, the Planning Commission asked staff to draft options for tools to encourage increased height and density in our downtown, while maintaining the character of Ferndale. After further discussion, an overlay ordinance was drafted by the City attorney to define the geography, specifics, and procedure for requiring a two-story minimum in the downtown.

At the October 2014 Planning Commission meeting, the first draft ordinance was reviewed and discussed. The draft ordinance has since been amended by the attorney and staff based on several commission meeting discussions and a stakeholder meeting.

Project Summary

The project involves a Planning Commission-initiated Zoning Text Amendment to adopt a new ordinance entitled the “Transit-Oriented Development (TOD) Overlay District” or TOD District. The ordinance also includes associated Zoning Text Amendments to Article II (Zoning District Regulations), Article IV (Commercial and Office Districts), and Article XIX (Definitions) of the Zoning Ordinance. The TOD District is considered an “overlay” zoning district which encompasses one or more underlying zoning districts with either modifications or additions to some requirements, standards, or incentives than those required by the underlying zone. The purpose of the TOD Overlay District is to create a compact, high intensity mix of residential, office, retail, service and public uses that promote areas of the City that have a high potential for pedestrian activity near existing and future transit stations. The district generally offers minimum development requirements. The other Zoning Text Amendments provide related amendments for consistency.

Applicability

The TOD District would apply to parcels within the Central Business District and those fronting Woodward Avenue. Any existing use would be permitted to continue, subject to the underlying zoning requirements. Buildings that do not conform to the regulations and standards of the ordinance would be permitted to remain unless expanded by more than 25% of the existing gross floor area or 3,000 square feet, whichever is less. All new buildings proposed and permitted after the adoption of the overlay would be subject to the requirements of the district.

There are instances in which the requirements may be waived, including natural disaster and specific discretionary conditions, as listed in the ordinance and decided by the Planning Commission.

Uses

The TOD District relies on the underlying zoning districts established use regulations.

Development Standards

The greatest affect that the district would have is in requiring two-story development. Minimum building height would be two stories and not less than 25 feet. Additional requirements regarding architecture and aesthetics would be regulated. The first story would have a maximum height of 18 feet, from finished floor to finished ceiling. Exterior walls would require architectural delineation between first and second stories. Building facades along right of ways would be required to consist of at least 50 percent window area and an entrance that remains open and unlocked to the public during business hours. Finally, the front setback of the principal building would be zero feet. Most of these standards already apply to buildings in the Central Business District. Some of them may be waived by the Planning Commission based on certain conditions as specified in the ordinance.

Parking

The overlay district would not affect existing parking regulations. Parking requirements are based on the underlying zoning district and use. The Planning Commission currently has the authority to reduce parking requirements should they find that there will be a lower demand for parking due to several factors, as listed in the Zoning Ordinance, Section 24-223, including:

- Shared parking by multiple uses with peak parking demands during differing times of the day or days of the week.
- Convenient municipal off-street parking or on-street spaces are located within 500 feet that have the capacity to handle additional parking.
- Expectation of walk-in business due to sidewalk connections to adjacent residential neighborhoods or employment centers.
- Availability of other forms of travel such as transit.

Adoption

The Planning Commission will hold a public hearing, vote and make a recommendation to the City Council that has the final authority to adopt the TOD District ordinance.

ORDINANCE NO. _____

CITY OF FERNDALE
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE AMENDING ARTICLE IV “COMMERCIAL AND OFFICE DISTRICTS” CHAPTER 24 (ZONING ORDINANCE), BEING ORDINANCE NO. 1087, OF THE FERNDALE CODE OF ORDINANCES BY THE ADDITION OF A NEW ARTICLE IV ½ ENTITLED “TRANSIT-ORIENTED DEVELOPMENT OVERLAY DISTRICT.”

THE CITY OF FERNDALE ORDAINS:

Part I.

The City of Ferndale Zoning Ordinance, being Ordinance No. 1087, is amended to add Article IV ½, Transit-Oriented Development Overlay District, as follows:

Section 24-70.Purpose.

The purpose of the Transit-Oriented Development Overlay District (“TOD District”) is to:

- A. Encourage a form of development that will promote the physical qualities necessary to maintain and enhance the economic vitality of the TOD District.
- B. Promote the development of a dynamic, mixed-use district of a scale and magnitude appropriate to a human-scale increment of development in the Nine Mile Road and Woodward Avenue corridors;
- C. Ensure that future development is consistent with the vision and recommendations of the Master Land Use Plan, Downtown Development Plan, Ferndale Moves! Multi-Modal Plan, and the Woodward Avenue Transit-Oriented Development Corridor Study;
- D. Create an active, interesting, and interconnected environment that facilitates pedestrian access to transit, between uses, and along the corridors;
- E. Encourage reduced dependence on automobile use by increasing the use of transit and encouraging pedestrian and bicycle commuting in the vicinity of existing SMART and future BRT transit stations;
- F. Encourage design of streetscapes, structures, and buildings that promotes pedestrian comfort, safety, access and visual interest;
- G. Encourage the renovation and adaptive reuse of buildings; ensure new buildings are compatible with the desired context and character of the TOD District.

Section 24-71.Definitions.

- A. Mixed-Use Development – development contained on a single lot or parcel of property that includes different, complementary uses (both residential and non-residential) and which provides for a variety of activities throughout the day. Mixed-use development may be horizontal (adjoining uses in a separate buildings within a single project) or vertical (different uses within the same building).
- B. Occupiable space – An enclosed space intended for human activities, excluding those spaces intended primarily for other purposes, such as storage rooms and equipment rooms, that are only intended to be occupied occasionally and for short periods of time.
- C. Overlay District – A zoning district with defined boundaries that encompasses one or more underlying zoning districts, and imposes additional or alternative requirements or provisions to those required by the underlying zoning.
- D. Suburban Mobility Authority for Regional Transportation (“SMART”) – a regional public transit provider with fixed bus routes and stops along the Woodward Avenue and Nine Mile Road corridors.
- E. Bus Rapid Transit (“BRT”) – a bus-based rapid transit system.

Section 24-72.Applicability.

- A. The TOD District shall be an overlay district that applies over the existing zoning districts.
- B. Use and development of land within the TOD District shall be regulated as follows:
 - 1. Any existing use shall be permitted to continue and the use shall be subject to the underlying zoning requirements.
 - 2. Expansion to existing buildings of more than 25% of the existing gross floor area or 3,000 square feet, whichever is less, shall be subject to the requirements of the TOD District and such building shall be brought into compliance with the requirements of the TOD District to the maximum extent practical, as determined by the Plan Commission.
 - 3. Where a new building is proposed, the site and building shall be subject to the requirements of the TOD District.
- C. In addition to the requirements of this TOD District, development applications within the TOD District shall be required to follow the Site Plan Review standards contained in Article XI of the Zoning Ordinance. Where provisions of other articles of the Zoning Ordinance conflict with requirements contained in this TOD District, the standards of the TOD District shall take precedence.
- D. The Plan Commission may waive the requirements of this article if it finds that a proposed building design is in keeping with the intent of this section and the recommendations of the master plan and meets all of the following conditions:

1. It is designed to significantly and substantially improve stormwater management for the property.
 2. The site and building are designed to achieve efficiency in use of land, natural resources, energy, public services and utilities.
 3. The proposed building design promotes diversification of uses, mixed-use development, or increased density along the transit corridor.
 4. It does not adversely affect the public health, safety, comfort and welfare of the citizens of the city.
- F. The Plan Commission may waive the requirements of this section for the reconstruction of a nonconforming building in existence at the time and that were lawful before the adoption of this ordinance in the event of damage due to a natural disaster, including fire, flood, or tornado.

Section 24-73. Site Development Standards

- A. The minimum building height shall not be less than 25 feet and not less than two (2) stories. The height of a parapet that is erected to conceal mechanical equipment shall not be included in calculating the minimum height. The second story shall include occupiable space.
- B. Stories at finished grade shall be a maximum of 18 feet from finished floor to finished ceiling. The Plan Commission may allow for variation of this standard in instances of renovations to existing buildings that do not meet this standard or in instances when a variance of this standard would be in keeping with the character of the adjacent existing buildings.
- C. Exterior walls shall have architectural delineation between the first and second stories. The second story façade height shall be less than the first story height.
- D. Building façades at finished grade facing public rights of way shall consist of at least 50 percent window area to allow for visibility of services or products. Tinted and reflective glass are prohibited. Upper level windows shall be vertically proportioned.
- E. The principal building shall have a zero (0) foot front setback. The Plan Commission may allow for variation of this standard in instances to allow for wider sidewalks, landscaped green space, or outdoor restaurant seating that enhances the public space.
- F. Each building abutting a public street for which a street address number is assigned shall be accessible to and from that street by an entrance open and unlocked to the public during business hours. This condition shall be enforced by periodic inspections, not less than annually. Residential entrances are excluded.

Section 24-74. The TOD District Boundaries

The TOD District shall consist of the area described as:

Properties fronting Woodward Avenue and those within the Central Business District as defined in Article II of the Zoning Ordinance.

Part II. Savings Clause.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

Part III. Severability.

The various parts, sections and clauses of this ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

Part IV. Repeal.

All regulatory provisions contained in other city ordinances which are inconsistent with the provisions of this ordinance, are repealed.

Part V. Effective Date; Publication.

This ordinance shall become effective seven (7) days after publication.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FERNDALE, OAKLAND COUNTY, MICHIGAN, THIS ___ DAY OF _____, 2015.

DAVID COULTER, MAYOR

MARNE MCGRATH, CITY CLERK

Date of Adoption: _____

Date of Publication: _____

CERTIFICATE OF ADOPTION

I certify that the foregoing is a true and complete copy of the Ordinance passed at a meeting of the Ferndale City Council held on the ___ day of _____, 2015.

MARNE MCGRATH, CITY CLERK

CITY OF FERNDALE

NOTICE OF ADOPTION
ORDINANCE _____

The City of Ferndale has adopted Ordinance No. _____ amending Sections _____ to the Ferndale Zoning Ordinance, Ordinance No. 1087. This Ordinance shall become effective seven (7) days after publication. A true copy of the ordinance may be inspected or obtained at the office of the City Clerk.

MARNE MCGRATH, CITY CLERK



City of Ferndale Overlay District Draft

2/11/2015



Woodward Parcels



Central Business District Parcels



To: Planning Commission
From: Derek Delacourt, CED Director
Re: Zoning Ordinance Amendment: Use Variance
Date: April 7, 2015

Overview:

Previously Staff presented a draft ordinance amendment to allow use variances. It is Staff's opinion that the current restriction eliminates a possible toll that the City may use at its discretion to facilitate desired projects or redevelopment of difficult properties. A use variance, in rare occasions, may be the appropriate and desired tool to allow a specific single use within a zoning district without having to rezone the underlying property. A use variance does not eliminate the requirements for site planning approval or Planning Commission involvement in a project. It only allows for consideration of the subject use under a specific and well defined set of variance criteria, (please see the proposed ordinance for the required criteria; attached). A use variance is similar to conditional rezoning however, unlike a rezoning the variance does not change the underlying zoning district or dimensional requirements. In certain instances it may be more acceptable to consider allowing a specific use in a district without changing the underlying zoning and dimensional requirements associated within the district and in relation to the similarly zoned adjacent properties.

It is important that an applicant have as many administrative alternatives to pursue when seeking relief zoning or use relief from a community prior to challenging a community's ordinances and regulations. This would provide developers and applicants the additional option of seeking administrative relief through a use variance, increasing their options within the community.

Use variances should only be used or supported in rare and extremely unique situations. It should not be used to circumvent the intent or requirements of the Zoning Ordinance or to legislature. However, in Staff's opinion, there may be instances where the tool may be appropriate for the circumstance. A blanket exemption eliminates the possibility of even considering the option and limits the flexibility of the City.

A Public Hearing has been scheduled and noticed, as provided by law, for Wednesday, April 15, 2015, to consider the adoption of a text amendment to the Zoning Ordinance to eliminate the restrictions regarding consideration of Use Variances. The intent of the Use Variance is to give authority to the Board of Zoning Appeals to grant a use variance to authorize a land use which is not otherwise permitted by the Zoning Ordinance in the district where the property is located. The use variance is only permitted by a concurring vote of at least two-thirds of the members of the Board of Zoning Appeals.

Attached: Zoning Ordinance Section 24-427 Amendment Draft

ORDINANCE NO. _____

CITY OF FERNDALE
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND SECTION 24-427 OF THE ZONING ORDINANCE, BEING ORDINANCE NO. 1087, OF THE FERNDALE CODE OF ORDINANCES TO ADD SECTION 24-427(d), USE VARIANCES.

THE CITY OF FERNDALE ORDAINS:

Part I.

The City of Ferndale Zoning Ordinance, being Ordinance No. 1087, Section 24-427 is amended to add Sub-part (d) as follows:

Section 24-427. Variances.

- (a) If there are practical difficulties associated with carrying out this chapter, the BZA may, in deciding appeals, grant a variance in any of its rules or provisions relating to the construction of or structural changes to equipment, buildings or structures so that the spirit of this chapter shall be observed, public safety secured and substantial justice done.
- (b) In granting a variance, the BZA shall state the grounds upon which it bases its decision as dictated by the considerations outlined below. Granting of a variance by the BZA shall not constitute an assurance that a building permit will be issued.
- (c) Nonuse or dimensional variances. The applicant must present substantial evidence to show that if this chapter is applied strictly, practical difficulties to the applicant will result. To receive a nonuse or dimensional variance, the applicant must prove that all of the following conditions have been met:
 - (1) Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density will unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
 - (2) The intent and purpose of this chapter will be observed and substantial justice will be done.
 - (3) A lesser variance than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners.

(4) The standards set forth in section 24-426, Standards for review are satisfied.

(d) Use Variances.

Authority. The BZA may grant a use variance to authorize a land use which is not otherwise permitted by this ordinance in the district where the property is located, upon the concurring vote of two-thirds (2/3) of the members of the BZA.

Remedies Exhausted. An application for a use variance shall not be submitted or considered unless the applicant has first received a written determination from the building department that the proposed land use is not permitted under this ordinance in the district where the property is located.

Unnecessary Hardship. A use variance shall not be granted unless the BZA finds, on the basis of substantial evidence presented by the applicant, that there is an unnecessary hardship in the way of carrying out the strict letter of this ordinance. In determining that an unnecessary hardship exists, the BZA shall consider whether the applicant meets the following evidence:

(1) The building or land cannot be reasonably used for any of the uses permitted by right or by special use permit in the current zoning district.

(2) The need for the variance is due to unique circumstances or physical conditions of the property and not to general neighborhood conditions.

(3) The proposed use will not alter the essential character of the neighborhood.

(4) The need for the variance is not the result of actions of the property owner or previous property owners.

(5) The granting of the variance will be in harmony with the general purpose and intent of this chapter, not injurious to the neighborhood or otherwise detrimental to the general welfare and substantial justice will be done.

The BZA may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this section and the objectives of this chapter.

Part II. Savings Clause.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

Part III. Severability.

The various parts, sections and clauses of this ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

Part IV. Repeal.

All regulatory provisions contained in other city ordinances which are inconsistent with the provisions of this ordinance, are repealed.

Part V. Effective Date; Publication.

This ordinance shall become effective seven (7) days after publication.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FERNDALE, OAKLAND COUNTY, MICHIGAN, THIS ___ DAY OF _____, 2014.

DAVID COULTER, MAYOR

J. CHERILYNN BROWN, CITY CLERK

Date of Adoption: _____

Date of Publication: _____

CERTIFICATE OF ADOPTION

I certify that the foregoing is a true and complete copy of the Ordinance passed at a meeting of the Ferndale City Council held on the ___ day of _____, 2014.

J. CHERILYNN BROWN, CITY CLERK

CITY OF FERNDALE
NOTICE OF ADOPTION
ORDINANCE _____

The City of Ferndale has adopted Ordinance No. ____ amending Section 24-427 to the Ferndale Zoning Ordinance, Ordinance No. 1087. This Ordinance shall become effective seven (7) days after publication. A true copy of the ordinance may be inspected or obtained at the office of the City Clerk.

J. CHERILYNN BROWN, CITY CLERK

CITY OF FERNDALE

NOTICE OF PUBLIC HEARING

The Ferndale Planning Commission will hold a Public Hearing in the Ferndale Council Chambers, 300 East Nine Mile Road, on Wednesday, April 15, 2015 at 7:00 PM, to consider the adoption of a text amendment to the **City of Ferndale Zoning Ordinance**.

The Planning Commission is proposing an amendment to the Zoning Ordinance No. 1087 of the Ferndale Code of Ordinances to add a Use Variance. The intent of the Use Variance is to give authority to the Board of Zoning Appeals to grant a use variance to authorize a land use which is not otherwise permitted by the Zoning Ordinance in the district where the property is located. The use variance is only permitted by a concurring vote of at least two-thirds of the members of the Board of Zoning Appeals.

A copy of the proposed Zoning Ordinance is available for review at City Hall. Any resident or property owner may participate in the hearing or submit written comments to the Community and Economic Development Department prior to Tuesday, April 14, 2015. For more information, please contact the Community and Economic Development Department at 248-546-2366.

Derek Delacourt, Director
Community & Economic Development
(248) 546-2366

Published: Daily Tribune, April 1, 2015



To: Planning Commission
From: Michelle Foster, City Planner
Re: Discussion regarding 430 W Nine Sketch Plan
Date: April 9, 2015

Overview:

Designhaus Architects have submitted a sketch design of a mixed-use development conceptual plan for the former Save-A-Lot site, 430 West Nine Mile. As depicted in the attached presentation, the 3-story development includes 3,000 sq ft of ground floor retail, 90-100 studio apartments, and ground floor parking (91 spaces). Besides the front yard parking lot, the plan appears to meet dimensional requirements of the Central Business District in which it is located.

The developer has met with City and DDA staff to discuss the development opportunity and is requesting to discuss the plans with the Planning Commission at this time. No site plans have been submitted. Please see the attached letter and presentation for further explanation of the project.

Attached: Designhaus Letter April 9, 2015
Preliminary Design Investigation Package for nineLOFTS



DESIGNHAUS ARCHITECTURE

9 April 2015

City of Ferndale
Planning Commission

Dear Commissioners:

We are proposing a new development at 430 W. Mile Road in Ferndale. This will be a new high quality residential and commercial building and a component of your city's vitality. Finding a balance between residential, commercial and parking is a primary goal in our philosophy regarding this site. The second most important consideration is regarding building mass/height and form such that it helps the entire context and streetscape express walkability and community.

The design offers an "urban edge" and eliminates a "hole" in the fabric caused by surface parking. Although a portion of the structure is adjacent to the parking area, we have softened that relationship with streetscaping and small urban "pauses" that will certainly be utilized by the public.

The decision to place the commercial space closest to the city's main intersection is rational and will give the impression that the walkable streets extend beyond this project to the west, creating a connection to more mixed use. A full width of commercial, unfortunately all but eliminates the ability to have a significant density of residents on this site. The flow of vehicles and pedestrians has been designed to be safe and intuitive helping to reduce the potential for accidents and crime by considering sight lines and safe harbors.

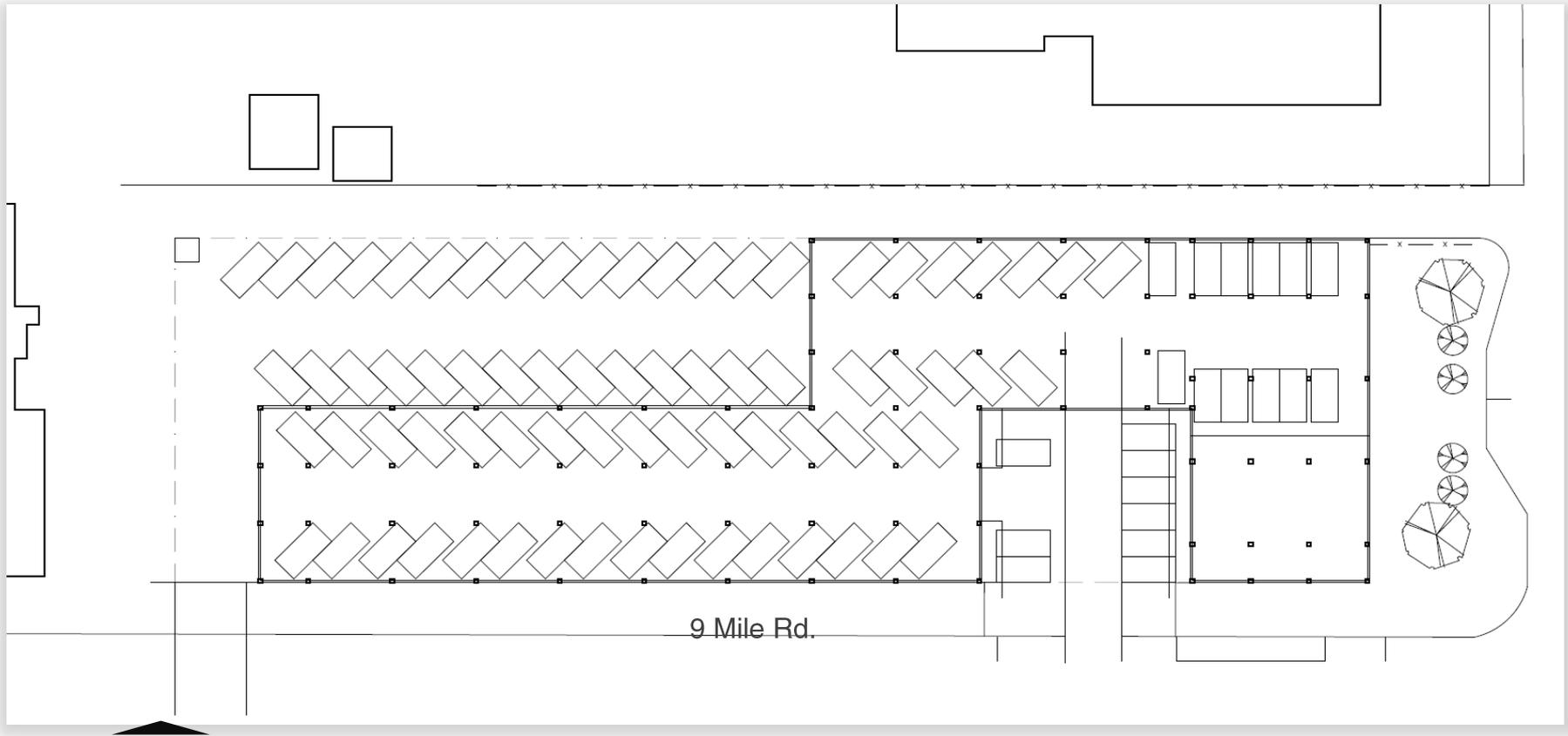
In my personal experience, three stories is really the minimum to achieve an authentic urban environment. With these factors considered, I feel this is an appropriate strategy and look forward to furthering our proposal through discussions with yourselves and the administration. The development team is requesting that you waive the commercial parking requirement. The way the commercial is situated, and its size, and restricted / low intensity uses due to its connection to residential units imply that the public and on street parking will be sufficient

Regards,

Peter M Stuhlreyer, AIA
Owner, Designhaus Architecture

Preliminary Design Investigation Package
for nineLOFTS
at 430 W. Nine Mile Rd. Ferndale, MI



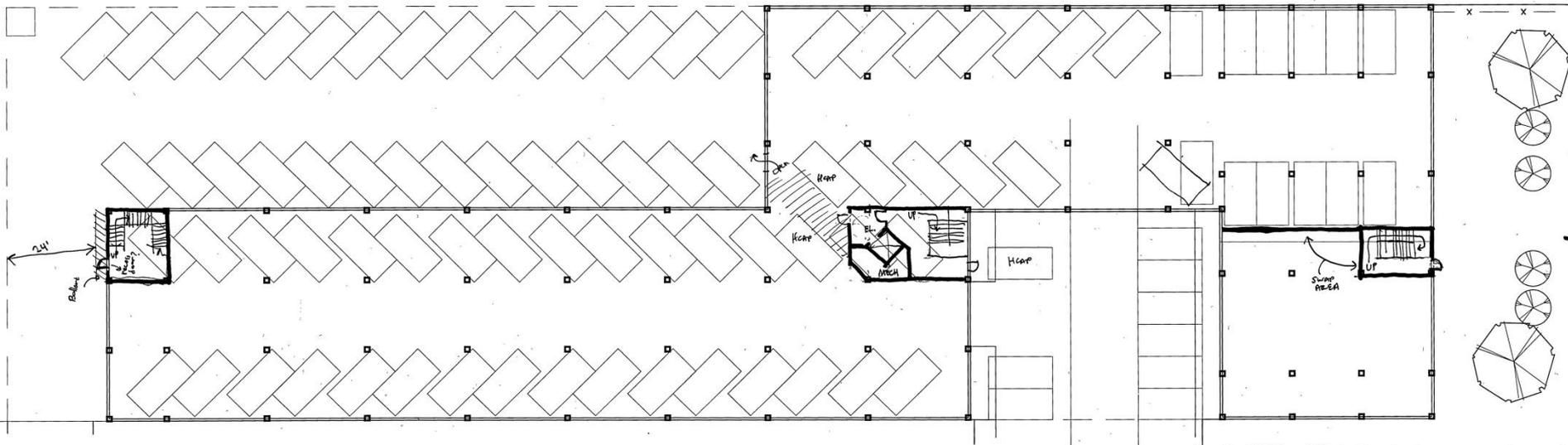


9 Mile Rd.

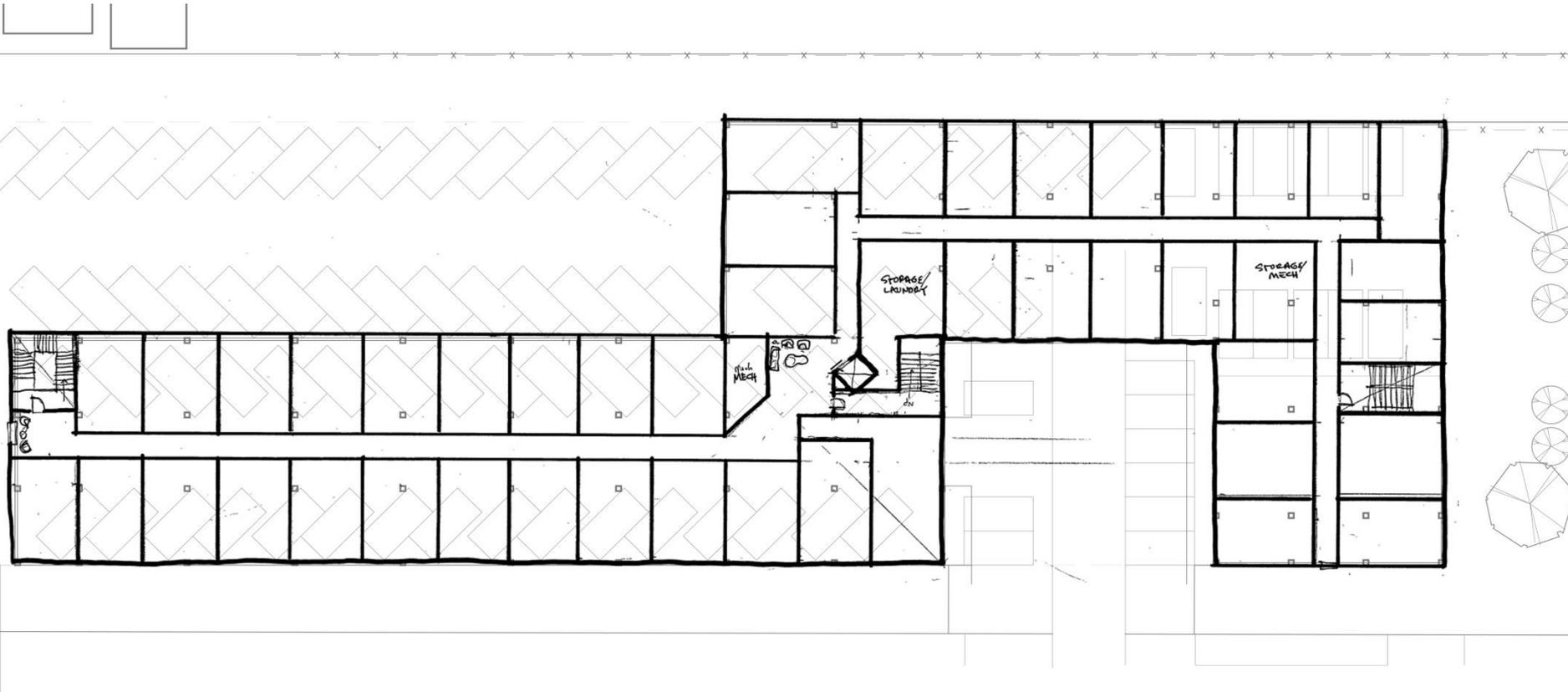
North

46800 sq. ft. Lot (1.07 acres) in CBD
3 Story, Type 5b Construction
3000 sq. ft. of Retail on Ground Floor
91 On Site Parking Spaces

GROUND FLOOR PLAN

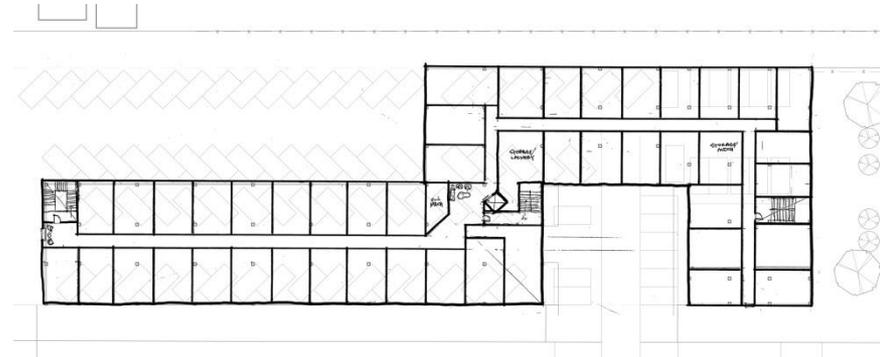
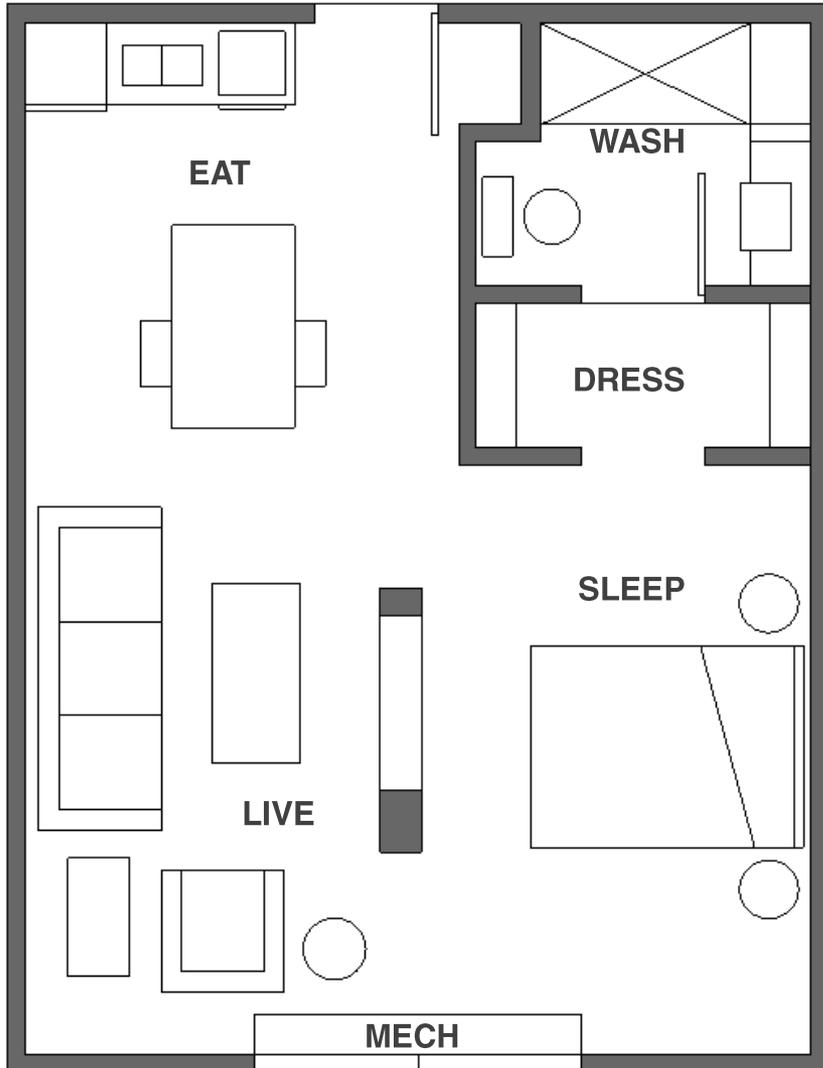


FIRST AND SECOND FLOOR PLAN



Studio Apartments

1 bed / 1 bath
494 sq. ft. total



26'



19'









